SW&P
AN ALLETE COMPANY

May 4, 2022

Via USPS Certified, Return Receipt and Electronic Mail
BNSF Railway
Attn: Steven Muellner
P.O. Box 961089
Fort Worth, TX 76161
E-mail: Steven.Muellner@BNSF.com

Dear Mr. Muellner:

Attached for your review is a copy of the Notification of Continuing Obligations ("Notification") related to the former MGP site. The attached Notification is a revision of the version that was sent to you in November, 2021.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Jamie Mehle
Supervising Engineer

JM:sr
Enc.

Section A: Deeded Property Notification: Residual Contamination and/or Continuing Obligations

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

address of party receiving notification

PO Box 961089
Fort Worth, TX, 76161

Dear Mr. Muellner:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible.
I have investigated a release of:
certain contaminants (as described below) from the former manufactured gas plant (MGP) site
on 800 Hill Ave, Superior, WI, 54880 that has shown that contamination has migrated onto your property.
I have responded to the release and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

You have 30 days to comment on the attached legal description of your property and on the proposed closure request:

Please review the enclosed legal description of your property, and notify Erin Hughes at 2121 Innovation Court, Suite 300, De Pere, WI, 54115 within the next 30 days if the legal description is incorrect.

(attach the legal description for each parcel; legal descriptions are not required for rights-of-way)

The DNR will not review my closure request for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information that is relevant to this closure request, or if you want to waive the 30 day comment period, you should mail that information to the DNR contact: 1701 N. 4th St., Superior, WI, 54880, or at john.sager@wisconsin.gov.

Your Long-Term Responsibilities as a Property Owner and Occupant:
The responses included
investigations of soil and groundwater which identified soil contamination that exceeds ch. NR720 residual contaminant levels (RCLs) and groundwater contamination that exceeds ch. NR 140 enforcement standards (ESs). SWL&P is planning specific remedial actions in coordination with the DNR to address certain areas of soil and groundwater contamination. For some time, there will be a continued need to leave monitoring wells on the property and for the owner to provide SWL&P access to them for sampling. Because of certain structural impediments (i.e., the railroad, sewer piping, etc.), there are continuing obligations of the owner to leave those areas undisturbed or, if necessary to disturb those areas, to take actions to protect the environment and employees.
The continuing obligations I am proposing that affect your property are listed below, under the heading **Continuing Obligations**. Under s. 292.12 (5), Wis. Stats., current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approved closure.

The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Attach a copy of factsheet RR 819

Contract for responsibility for continuing obligation:
Before I request closure, I will need to inform the DNR as to whom will be responsible for the continuing obligation/s on your property.
SWL&P is conducting the Remedial Action (RA). These actions will in part be conducted on the owner property (see Drawing A-4). Additional obligations of the owner include protection of RA facilities and requirements to avoid contact with impacted soil, groundwater, and air that will be cleaned up to levels below performance standards during the RA.

Continued obligations of the owner after RA construction completion may include restrictions on groundwater use, limitations and guidance on soil disturbance, obligations relative to structural impediments, and industrial land use limitations.
Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to comply with the requirements of the final closure letter. If you need more time to finalize an agreement on the responsibility for the continuing obligations on your Property, you may request additional time from the DNR contact identified in **Contact Information.**

(Note: Future property owners would need to negotiate a new agreement.)

Remaining Contamination:

a. ☒ ***Soil Contamination:***

Soil contamination remains at :
the Limits of Contamination beneath and outside of the former MGP gas holder and former Hortonsphere excavation areas and outside the former MGP discharge area (see Figure 2 and BRRTS website).
The remaining contaminants include:
VOCs (benzene, toluene, ethylbenzene, and xylenes) and polycyclic aromatic hydrocarbons (PAHs)

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.
SWL&P will excavate soil, install a biosparge and SVE system, and treat resulting air emissions. At depths less than 4 ft, soil exceeding the Industrial shallow soil direct-contact RCLs will be excavated. At depths greater than 4 ft, soil with benzene greater than 5 mg/kg will be excavated from the former MGP gas holder and former Hortonsphere areas. Certain soil with elevated PAH concentrations in the former MGP discharge area will be excavated. This excavation will remove a significant amount of chemical mass prior to further in-place treatment using biosparging, soil vapor extraction, and air treatment. Despite significant source removal and treatment, some residual contaminants will remain in soil above NR 720 RCLs.

b. ☒ ***Groundwater Contamination:***

Groundwater contamination originated at the property located at 800 Hill Ave, Superior, WI, 54880 .
Contaminated groundwater has migrated onto your property at:
Superior, WI [No Street Address]; Tax Parcels: 1280164 and 1280320. Approximate extent of groundwater contamination is shown on Figure 2 and further described in site documents on the BRRTS website.
The levels of
volatile organic compounds (benzene, toluene, ethyl benzene, xylenes) and certain polycyclic aromatic hydrocarbons (PAHs)
contamination in the groundwater on your property are above the state groundwater enforcement standards found in ch. NR 140, Wis. Adm. Code.

c. ☒ However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation, or the breakdown of contaminants in groundwater due to naturally occurring processes, to complete the cleanup at this site will meet the case closure requirements of ch. NR 726, Wis. Adm. Code. As part of my request for case closure, I am requesting that the DNR accept natural attenuation as the final remedy for this site.

The following DNR fact sheet (RR 671, "What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater") has been included with this notification, to help explain the use of natural attenuation as a remedy. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR671.pdf. Attach a copy of factsheet RR 671.

d. ☒ ***Vapor Intrusion:***

Remaining contamination in soil and/or groundwater at this site is contributing to the intrusion of vapors at your property, or to the potential for vapor intrusion. Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building. The following DNR fact sheet (RR 892, "Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property") has been included with this notification to help explain vapor intrusion and the use of vapor mitigation systems. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR892.pdf Attach a copy of factsheet RR 892.

At your property at: 800 Hill Ave, Superior, WI, 54880
the levels of benzene
are above vapor risk action levels, beneath the foundation on your property.

Continuing Obligations on Your Property: As part of the cleanup, I am proposing that the following continuing obligations be used at your property, to address future exposure to residual contamination. If my closure request is approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR. See **Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed, to protect the water supply.

a. ☒ ***Residual Soil Contamination:***

If soil is excavated from the areas with residual contamination, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present
- determine whether the material would be considered solid or hazardous waste
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in-place, in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

b. ☐ Need to abandon monitoring wells

c. ☒ ***Continued Sampling of Monitoring Wells:***

MW-7R, MW-8R, MW-9, MW-22 (SEE FIGURE 1) . *Attach a well location map.*

d. ☐ A cover/engineered cover has been used as a remedial action

e. ☒ ***Use of Industrial Soil Standards:***

Industrial soil standards have been applied for the cleanup of this site. If closure is approved, notification of the DNR will be required if the property changes from industrial use, and additional investigation and remediation may be required at that time.

f. ☒ ***Use of a Structural Impediment:***

A structural impediment other remains on the property, which inhibited a complete investigation and cleanup. If and when this structural impediment is removed, additional investigation will be required, and further cleanup may be necessary.

g. ☐ Vapor mitigation system needs to be operated and maintained

h. ☐ Vapor - Dewatering system needs to be operated and maintained

i. ☐ Vapor - Compounds of concern are still in use

j. ☒ ***Vapor: Commercial or Industrial Use of Property:***

The closure request is based on this property being used for commercial or industrial purposes, using site-specific vapor exposure assumptions. If closure is approved, notification of the DNR will be required before changing the use of the property. Additional investigation and remediation may be required at that time.

k. ☒ ***Vapor: Future Actions to Address Vapor Intrusion:***

While vapor intrusion does not currently exist, if a building is constructed on this property, or reconstructed, or if use of a building is changed to a residential-type use, vapor intrusion may become an issue. If closure is approved, notification of the DNR will be required before construction of a building or changing the use of an existing building to residential occupancy. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time.

l. ☐ Site specific condition based on discussion with Department

Maintenance and Audits of Continuing Obligations:

If compliance with a maintenance plan is required as part of a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR. Submittal of the inspection log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain the continuing obligation and to document that maintenance in the inspection log. Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

Well Construction Requirements:

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at https://dnr.wi.gov/topic/Brownfields/WRRD.html. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. The property owner needs to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. A well driller can help complete this form. The well construction application, form 3300−254, is on the internet at https://dnr.wi.gov/files/PDF/forms/3300/3300-254.pdf.

Site Closure:

If the DNR grants closure, you will receive a letter which defines the specific continuing obligations on your property. The status of the site (open or closed) may also be checked by searching BRRTS on the Web. You may view or download a copy of the closure letter (sent to the responsible party) from BRRTS on the Web. You may also request a copy of the closure letter from the **responsible party** or by writing to the DNR contact, at John Sager, john.sager@wisconsin.gov, (715) 919-7239 . The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

If you have any questions regarding this notification, I can be reached at: (715) 395-6234 , jskandel@swlp.com .

Jacalyn Skandel

Signature of responsible party/environmental consultant for the responsible party

Date Signed 04/26/2022

Attachments (third page of form)

Contact Information

Legal Description for each Parcel:

Maps:

Maintenance plan

Factsheets:

RR 819, Continuing Obligations for Environmental Protection

c) Natural Attenuation

☒ RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

d) Vapor Intrusion

☒ RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

List of Attachments

Attachment A: Contact Information

Attachment B: Parcel Legal Description

Attachment C: Maps

- Figure 1
- Figure 2
- Drawing A-4

Attachment D: Factsheets

- RR 819, Continuing Obligations for Environmental Protection
- RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater
- RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

Attachment A

Contact Information

The affected property is:

- ○ the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ◉ a deeded property affected by contamination from the source property
- ○ a right-of-way (ROW)
- ○ a Department of Transportation (DOT) ROW

Include this completed page as an attachment with all notifications provided under sections A and B.

Contact Information

Responsible Party: The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name: Superior Water, Light, & Power (SWL&P)

Contact Person Last Name	First	MI	Phone Number (include area code)
Skandel	Joscelyn	A	(715) 395-6234

Address	City	State	ZIP Code
2915 Hill Ave	Superior	WI	54880

E-mail: jskandel@swlp.com

Name of Party Receiving Notification:

Business Name, if applicable: BNSF Railway

Title	Last Name	First	MI	Phone Number (include area code)
Mr.	Muellner	Steven		(218) 576-6288

Address	City	State	ZIP Code
PO Box 961089	Fort Worth	TX	76161

Site Name and Source Property Information:

Site (Activity) Name: Superior Water Light & Power Manufactured Gas Plant (MGP)

Address	City	State	ZIP Code
800 Hill Ave	Superior	WI	54880

DNR ID # (BRRTS#)	(DATCP) ID #
02-16-275446	

Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

Environmental Consultant: Foth Infrastructure & Environment, LLC (Foth)

Contact Person Last Name	First	MI	Phone Number (include area code)
Hughes	Erin	C	(920) 412-8594

Address	City	State	ZIP Code
2121 Innovation Court, Suite 300	De Pere	WI	54115

E-mail: erin.hughes@foth.com

Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

Department of: Natural Resources (DNR) Office: Superior

Address	City	State	ZIP Code
1701 N. 4th St.	Superior	WI	54880

Contact Person Last Name	First	MI	Phone Number (include area code)
Sager	John	E	(715) 919-7239

E-mail (Firstname.Lastname@wisconsin.gov): john.sager@wisconsin.gov

Attachment B

Parcel Legal Description

Legal Property Description
BNSF Railway

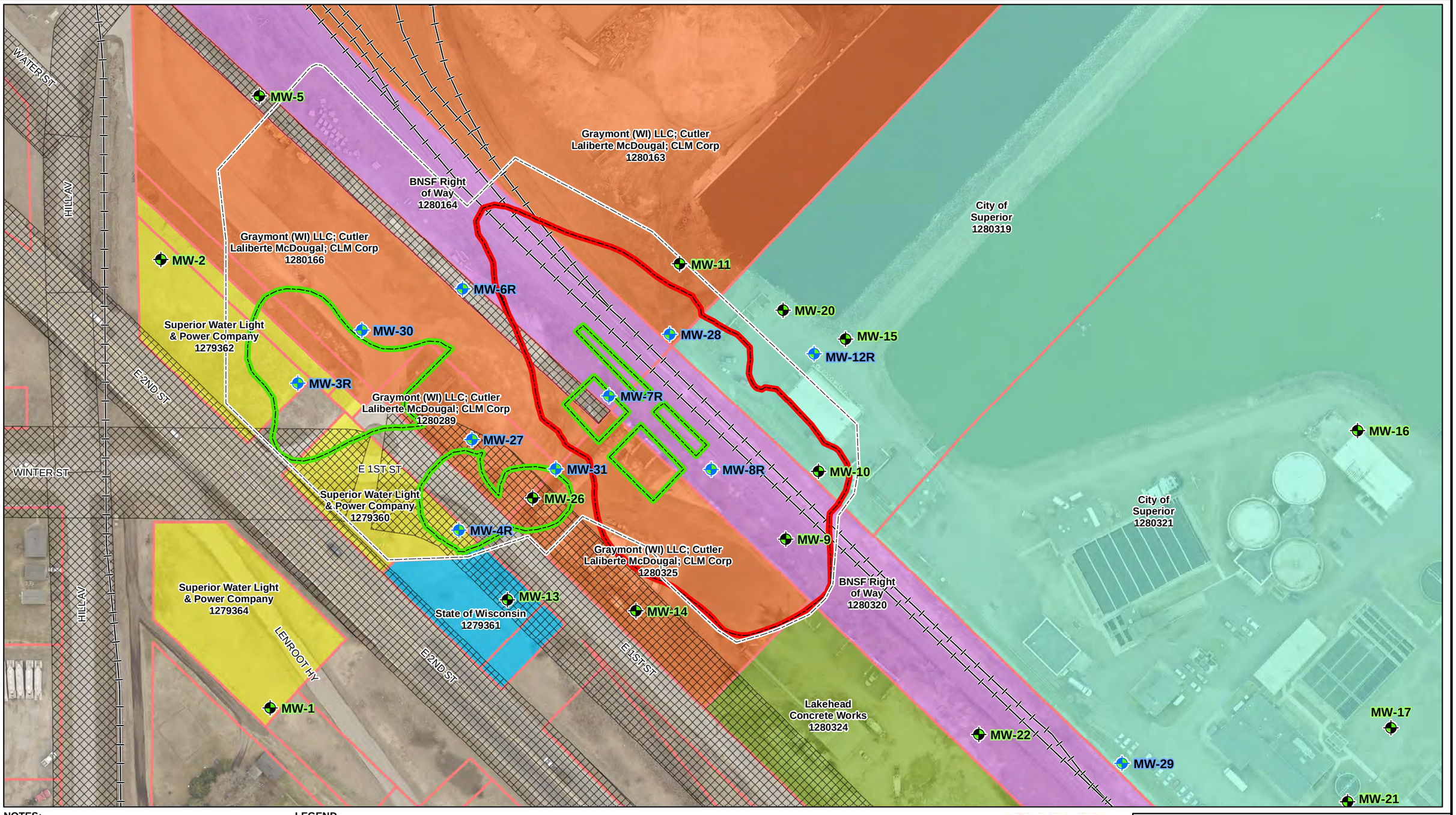
Owner	Parcel ID	Address Per Douglas County	Abbreviated Legal Description
BNSF Railway	1280164/02-802-06648-01	Vacant	SWEETSER DIV A 100 FT STRIP BL 504
	1280320/02-802-07101-01	Vacant	LAND 100 FT R/W STRIP OVER NW 1/4 SW 1/4 SW 1/4 NW 1/4 NE 1/4 SW 1/4 SEC 13-49-14

Notes:
R/W = Right-Of-Way

Attachment C

Maps

Figure 1
Figure 2
Drawing A-4



NOTES:

1. 2016 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Parcels supplied by Douglas County GIS.
4. Based on conversation with the City of Superior, the strip of land between BNSF parcel 1280164 and Graymont Parcel 1280166 is unplotted land that is considered a City of Superior Right of Way.

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

LEGEND

- Proposed Monitoring Well
- Existing Monitoring Well
- Limits of Construction
- Excavation Area
- Biosparge/SVE Area
- Railroad
- City of Superior Right of Way
- Tax Parcel

Property Owner

- BNSF Right of Way
- City of Superior
- Graymont (WI) LLC; Cutler Laliberte McDougal; CLM Corp
- Lakehead Concrete Works
- Superior Water Light & Power Company
- State of Wisconsin

SW&P

Foth

N

0 50 100 Feet

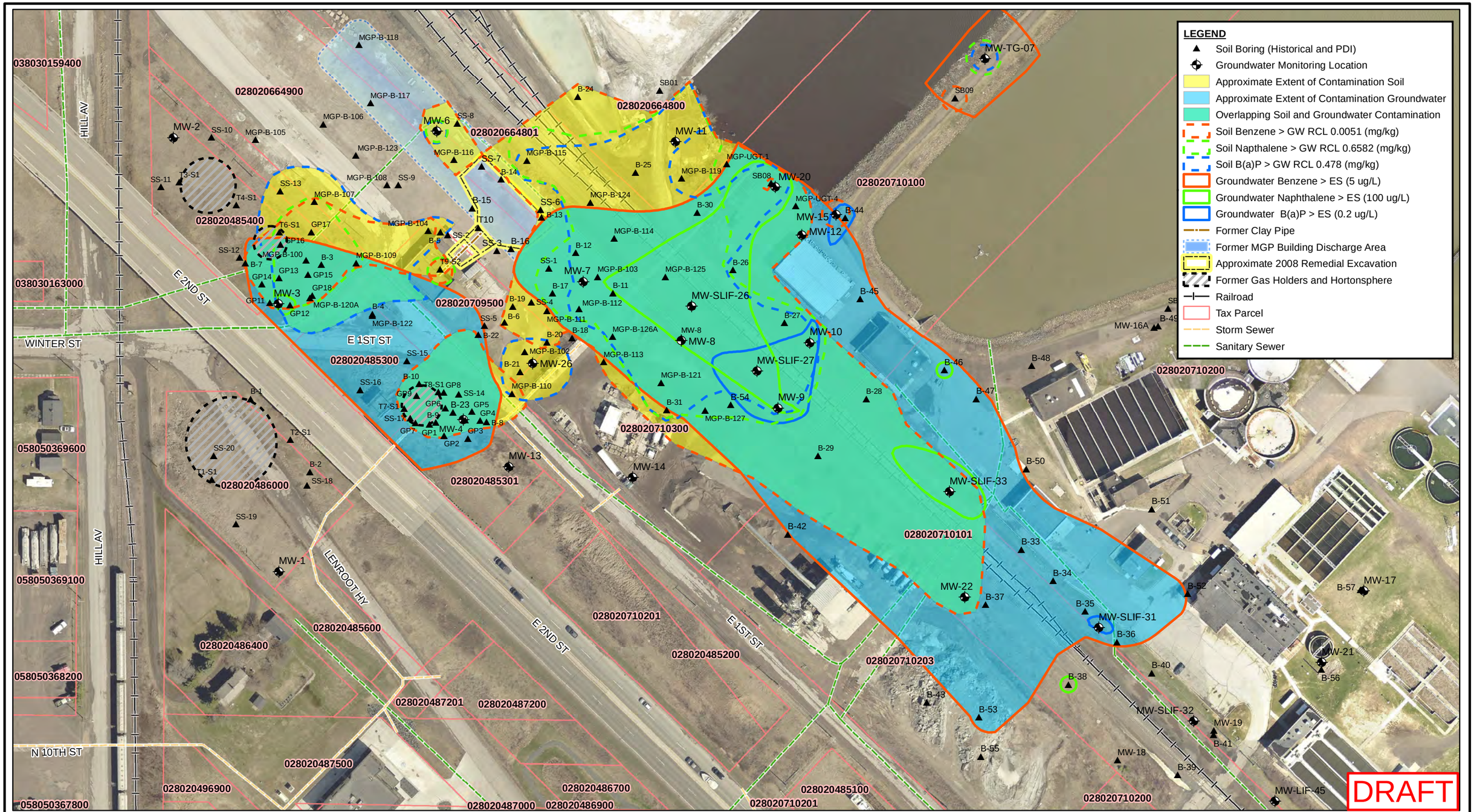
SUPERIOR WATER, LIGHT & POWER

FIGURE 1

LIMITS OF CONSTRUCTION AND AFFECTED PROPERTY OWNERS SUPERIOR, WISCONSIN

Date: NOVEMBER 2021	Revision Date:	
Drawn By: DAT	Checked By: ERH	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Stakeholder\Figure 1 - Limits of Construction and Affected Property Owners.mxd Date: 11/4/2021



NOTES:

1. 2019 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Groundwater impacts were estimated based on the maximum concentration observed between the April 2017 and July 2020 (PDI) monitoring events. The extent of groundwater contamination is delineated as exceedances of the WDNR NR 140 Enforcement Standard (ES).
4. Soil impacts were estimated from historical and PDI sample data. The extent of soil contamination is delineated as exceedances of the WDNR. Industrial soil direct-contact RCL for soil 0-4 ft bgs or soil to groundwater protection RCL for soil >4 ft bgs.
5. Parcels supplied by Douglas County GIS.

Industrial Soil D-C RCL
- Benzene <7.07 mg/kg
- Naphthalene <24.1 mg/kg
- Benzo(a)pyrene <2.11 mg/kg

Soil to Groundwater Protection RCL
- Benzene <0.0051 mg/kg
- Naphthalene <0.6582 mg/kg
- Benzo(a)pyrene <0.478 mg/kg

0 50 100 Feet

N

SUPERIOR WATER, LIGHT & POWER

FIGURE 2

APPROXIMATE EXTENT OF COMBINED SOIL AND GROUNDWATER CONTAMINATION SUPERIOR, WISCONSIN

Date: APRIL 2022	Revision Date:	
Drawn By: SGL	Checked By: BDS1	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Cont Ob Form 4400\Figure 2 - Approximate Extent of Combined Soil and Groundwater Contamination.mxd Date: 4/13/2022

153,800 E
154,000 E
154,200 E
154,400 E
154,600 E
308,600 N
308,400 N
308,200 N
308,000 N
307,800 N
N
BNSF
LIMITS OF CONSTRUCTION
TEMPORARY FENCING (UNTIL CONSTRUCTION COMPLETION) SEE DETAIL 5 A-7
VENTED PILE LAYOUT
20' ENTRY GATE
TWTS
SOIL PILES
PERMANENT CHAIN LINK FENCING SEE DETAIL 5 A-7
EXCAVATION 3 AREA
FORMER GAS HOLDER
SWL&P
GATE
BIOSPARGE/SVE AIR EQUIPMENT AREA
SOIL PILES
GRAYMONT PARKING
5 FRAC TANKS FOR TEMP WATER STORAGE
EXCAVATION 1 AREA
JACK AND BORE SVE/BIOSPARGE PIPING
REPLACE EXISTING GATES WITH 20' ENTRY GATES SEE DETAIL 5 A-7
EXISTING FENCING (REMOVE AND REPLACE)
FORMER HORTON-SPHERE
E 2ND ST.
EXCAVATION 2 AREA
CONTRACTOR STAGING AREA
E 1ST ST
BIOSPARGE AREA
ARROWHEAD CONCRETE
CITY OF SUPERIOR

LEGEND

- BOAT SLIP BOUNDARY
- EXISTING BUILDING
- FENCE
- GROUND SURFACE ELEVATION
- PROPERTY BOUNDARY
- STORM SEWER PIPE
- SANITARY SEWER PIPE
- FIBER OPTIC
- RAILROAD
- EXISTING ROADWAYS
- IMPERVIOUS AREA LIMIT
- LIMITS OF CONSTRUCTION
- TEMPORARY FENCING
- 2008 EXCAVATION AREA
- EXCAVATION AREA
- MW-11 MONITORING WELL
- BIOSPARGE AREA
- WASTEWATER TREATMENT PLANT (WWTP) PIPE
- DEWATERING WELL
- HORIZONTAL SVE PIPE
- BIOSPARGE LATERAL PIPE AND WELL
- SVE AND BIOSPARGE MAIN HEADER PIPE
- BNSF PROPERTY
- CONTRACTOR STAGING AREA
- GRAYMONT PARKING AREA
- FRAC TANK
- VENTED PILE AREA
- TWTS AREA
- VENTED PIPING AREA

NOTES:

1. HORIZONTAL COORDINATE SYSTEM: NAD 1983 DOUGLAS COUNTY, UNITS IN FEET.
2. 2016 - 3" RESOLUTION AIR PHOTO FROM DOUGLAS COUNTY.
3. STORM AND SANITARY DATE SUPPLIED BY DOUGLAS COUNTY GIS.
4. ELECTRIC, GAS AND WATER DATASETS SUPPLIED BY SUPERIOR WATER, LIGHT & POWER.
5. SEE DRAWING B-1 FOR PLACEMENT OF TEMPORARY CONSTRUCTION FENCING DURING EXCAVATION

Foth
Foth Infrastructure & Environment, LLC
2121 Innovation Court, Suite 100
P.O. Box 5095
De Pere, WI 54115-5126
Phone: 920-497-2600

SWL&P

UPLAND AREA REMEDIAL ACTION DESIGN DRAWINGS FOR THE FORMER MGP SITE

SUPERIOR WATER, LIGHT & POWER

WISCONSIN

DOUGLAS COUNTY

REVISIONS:

NO.	DESCRIPTION	DATE	BY
1			
2			
3			
4			

RECORD DRAWING OF COMPLETED CONSTRUCTION BY: _____

RECORD DRAWINGS OF COMPLETED CONSTRUCTION CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS. DATE _____ BY _____

DATE OF PREPARATION

	BY	DATE
SURVEYED		
DRAWN	JOW	JANUARY 2022
DESIGNED		
CHECKED	BDS1	JANUARY 2022

SITE LAYOUT PLAN

HORIZONTAL SCALE:
0 50' 100'

PROJECT ID: 18S024

A-4

DRAFT

$FILE$
$$DAT$$$$

Attachment D

Factsheets

RR 819, Continuing Obligations for Environmental Protection

RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

Remediation and Redevelopment Program June 2017

Continuing Obligations for Environmental Protection

Responsibilities of Wisconsin Property Owners

Wis. Stat. § 292.12

Purpose
This fact sheet is intended to help property owners understand their legal requirements under s. 292.12, Wis. Stats., regarding continuing obligations that arise due to the environmental condition of their property.

Introduction

The term "continuing obligations" refers to certain actions for which property owners are responsible following a completed environmental cleanup. They are sometimes called environmental land use controls or institutional controls. These legal obligations, such as a requirement to maintain pavement over contaminated soil, are most often found in a cleanup approval letter from the state.

Less commonly, a continuing obligation may apply where a cleanup is not yet completed but a cleanup plan has been approved, or at a property owned by a local government that is exempt from certain cleanup requirements.

What Are Continuing Obligations?

Continuing obligations are legal requirements designed to protect public health and the environment in regard to contamination that remains on a property.

Continuing obligations still apply after a property is sold. Each new owner is responsible for complying with the continuing obligations.

Background

Wisconsin, like most states, allows some contamination to remain after cleanup of soil or groundwater contamination (residual contamination). This minimizes the transportation of contamination and reduces cleanup costs while still ensuring that public health and the environment are protected.

The Department of Natural Resources (DNR), through its Remediation and Redevelopment (RR) Program, places sites or properties with residual contamination on a public database in order to provide notice to interested parties about the residual contamination and any associated continuing obligations. Please see the "Public Information" section on page 3 to learn more about the database. (Prior to June 3, 2006, the state used deed restrictions recorded at county courthouses to establish continuing obligations, and those deed restrictions have also been added into the database.)

Types of Continuing Obligations

1. **Manage Contaminated Soil that is Excavated**

   If the property owner intends to dig up an area with contaminated soil, the owner must ensure that proper soil sampling, followed by appropriate treatment or disposal, takes place. Managing contaminated soil must be done in compliance with state law and is usually done under the guidance of a private environmental professional.

2. Manage Construction of Water Supply Wells

If there is soil or groundwater contamination and the property owner plans to construct or reconstruct a water supply well, the owner must obtain prior DNR approval to ensure that well construction is designed to protect the water supply from contamination.

Other Types of Continuing Obligations

Some continuing obligations are designed specifically for conditions on individual properties. Examples include:

- keeping clean soil and vegetation over contaminated soil;
- keeping an asphalt "cover" over contaminated soil or groundwater;
- maintaining a vapor venting system; and
- notifying the state if a structural impediment (e.g. building) that restricted the cleanup is removed. The owner may then need to conduct additional state-approved environmental work.

It is common for properties with approved cleanups to have continuing obligations because the DNR generally does not require removal of all contamination.

Property owners with the types of continuing obligations described above will find these requirements described in the state's cleanup approval letter or cleanup plan approval, and *must*:

- comply with these property-specific requirements; and
- obtain the state's permission before changing portions of the property where these requirements apply.

The requirements apply whether or not the person owned the property at the time that the continuing obligations were placed on the property.

Changing a Continuing Obligation

A property owner has the option to modify a continuing obligation if environmental conditions change. For example, petroleum contamination can degrade over time and property owners may collect new samples showing that residual contamination is gone. They may then request that the DNR modify or remove a continuing obligation. Fees are required for the DNR's review of this request and for processing the change to the database ($1050 review fee, $300/$350 database fee). Fees are subject to change; current fees are found in Wis. Admin. § NR 749 online at http://docs.legis.wisconsin.gov/code/admin_code/nr/700/749.

Public Information

The DNR provides public information about continuing obligations on the Internet. This information helps property owners, purchasers, lessees and lenders understand legal requirements that apply to a property. The DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to the DNR. Site specific documents are found under the *Documents* section. The information includes maps, deeds, contaminant data and the state's closure letter. The closure letter states that no additional environmental cleanup is needed for past contamination and includes information on property-specific continuing obligations. If a cleanup has not been completed, the state's approval of the remedial action plan will contain the information about

continuing obligations.

Properties with continuing obligations can generally be located in the DNR's *RR Sites Map*. RR Sites Map provides a map view of contaminated and cleaned up sites, including sites with continuing obligations, and links to BRRTS on the Web. *BRRTS on the Web* and *RR Sites Map* are part of the Wisconsin Remediation and Redevelopment Database (WRRD) at http://dnr.wi.gov/topic/Brownfields/wrrd.html.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the documents section, the DNR's closure letter can still be obtained from a regional office. For assistance, please contact a DNR Environmental Program Associate (see the RR Program's Staff Contact web page at dnr.wi.gov/topic/Brownfields/Contact.html).

Off-Site Contamination: When Continuing Obligations Cross the Property Line

An off-site property owner is someone who owns property that has been affected by contamination that moved through soil, sediment or groundwater from another property. Wis. Stat. § 292.13 provides an exemption from environmental cleanup requirements for owners of "off-site" properties. The DNR will generally not ask off-site property owners to investigate or clean up contamination that came from a different property, as long as the property owner allows access to his or her property so that others who are responsible for the contamination may complete the cleanup.

However, off-site property owners are legally obligated to comply with continuing obligations on their property, even though they did not cause the contamination. For example, if the state approved a cleanup where the person responsible for the contamination placed clean soil over contamination on an off-site property, the owner of the off-site property must either keep that soil in place or obtain state approval before disturbing it.

Property owners and others should check the *Public Information* section above if they need to:

- determine whether and where continuing obligations exist on a property;
- review the inspection, maintenance and reporting requirements, and
- contact the DNR regarding changing that portion of the property. The person to contact is the person that approved the closure or remedial action plan.

Option for an Off-Site Liability Exemption Letter

In general, owners of off-site properties have a legal exemption from environmental cleanup requirements. This exemption does not require a state approval letter. Nonetheless, they may request a property-specific liability exemption letter from the DNR if they have enough information to show that the source of the contamination is not on their property. This letter may be helpful in real estate transactions. The fee for this letter is $700 under Chapter NR 749, Wis. Adm. Code. For more information about this option, please see the RR Program's Liability web page at dnr.wi.gov/topic/Brownfields/Liability.html.

Legal Obligations of Off-Site Property Owners

- Allow access so the person cleaning up the contamination may work on the off-site property (unless the off-site owner completes the cleanup independently).
- Comply with any required continuing obligations on the off-site property.

Required Notifications to Off-Site Property Owners

1. The person responsible for cleaning up contamination must notify affected property owners of any proposed continuing obligations on their off-site property **before** asking the DNR to approve the cleanup. This is required by law and allows the off-site owners to provide the DNR with any technical information that may be relevant to the cleanup approval.

   When circumstances are appropriate, an off-site neighbor and the person responsible for the cleanup may enter into a "legally enforceable agreement" (i.e. a contract). Under this type of private agreement, the person responsible for the contamination may also take responsibility for maintaining a continuing obligation on an off-site property. This agreement would not automatically transfer to future owners of the off-site property. The state is not a party to the agreement and cannot enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, the DNR will send a letter to the off-site owners detailing the continuing obligations that are required for their property. Property owners should inform anyone interested in buying their property about maintaining these continuing obligations. For residential property, this would be part of the real estate disclosure obligation.

More Information

For more information, please visit the RR Program's Continuing Obligations website at dnr.wi.gov/topic/Brownfields/Residual.html.

Using Natural Attenuation to Clean Up Contaminated Groundwater:
What Landowners Should Know

RR-671 December 2016

What Is Natural Attenuation?
Natural attenuation makes use of natural processes in soil and groundwater to contain the spread of contamination and to reduce the amount of contamination from chemical releases.

Natural attenuation is an *in-situ* treatment method. This means that contaminants are left in place while natural attenuation works on them. Natural attenuation is relied upon to clean up contamination that remains after the source of the contamination is removed. An example of a source of contamination would be a leaking underground petroleum tank.

How Does Natural Attenuation Work?
Natural attenuation processes work at many sites, but the rate and degree of effectiveness varies from property to property, depending upon the type of contaminants present and the physical, chemical and biological characteristics of the soil and groundwater.

Natural attenuation processes can be divided into two broad categories – destructive and non-destructive. Destructive processes destroy contaminants. The most common destructive process is **biodegradation**.

Non-destructive processes do not destroy the contaminant, but reduce contaminant concentrations in groundwater through **dilution**, **dispersion** or **adsorption**.

Biodegradation
Biodegradation is a process in which micro-organisms that naturally occur in soil and groundwater (e.g. yeast, fungi, or bacteria), break down, or degrade hazardous substances to less toxic or non-toxic substances. Microorganisms, like humans, eat and digest organic compounds for nutrition and energy (organic compounds contain carbon and hydrogen atoms).

Some types of microorganisms can digest organic substances such as fuels or solvents that are hazardous to humans. Microorganisms break down the organic contaminants into harmless products – mainly carbon dioxide and water. Once the contaminants are degraded, the microorganism populations decline because they have used their food sources. These small populations of microorganisms pose no contaminant or health risk.

Many organic contaminants, like petroleum, can be biodegraded by microorganisms in the underground environment. For example, biodegradation processes can effectively cleanse soil and groundwater of hydrocarbon fuels such as gasoline and benzene, toluene, ethylbenzene, and xylene – known as the BTEX compounds, under certain conditions.

Biodegradation can also breakdown other contaminants in groundwater such as trichloroethylene (TCE), a chlorinated solvent used in metal cleaning. However, the processes involved are harder to predict and are less effective at contaminant removal compared to petroleum-contaminated sites.

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search “brownfield”

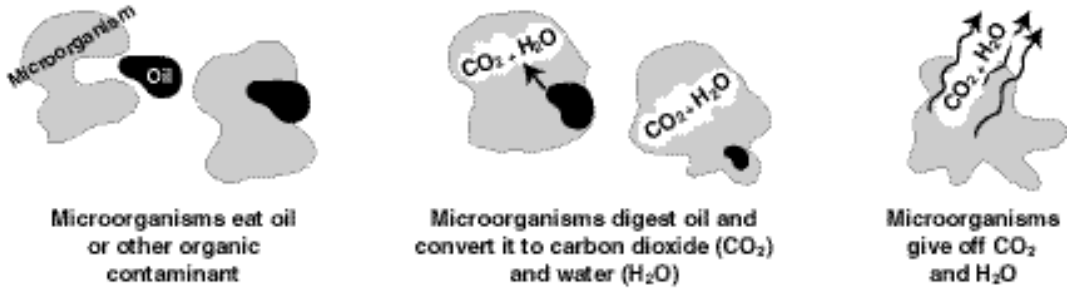


Figure 1. Schematic Diagram of Aerobic Biodegradation in Soil

Dilution and Dispersion

The effects of dilution and dispersion reduce contaminant concentrations but do not destroy contaminants. Clean water from the surface seeps underground to mix with and dilute contaminated groundwater.

Other processes that lead to reduced concentrations of contaminants include clean groundwater flowing into contaminated areas, and the dispersion of pollutants as they spread out and away from the main path of the contaminated plume.

Adsorption

Adsorption occurs when contaminants attach or "sorb" to underground particles. Most oily substances (like petroleum compounds) repel water and escape from the groundwater by attaching to organic matter and clay minerals in the subsurface.

This process holds back or retards contaminant movement and reduces the concentration of contaminants in the groundwater. However, like dilution and dispersion, adsorption does not destroy contaminants.

Why Consider Natural Attenuation To Clean Up Soil And Groundwater?

In certain situations, natural attenuation is an effective, inexpensive cleanup option and the most appropriate way to remediate some contamination problems. Natural attenuation focuses on confirming and monitoring natural remediation processes rather than relying on engineered or "active" technologies (such as pumping groundwater, treating it above ground, then disposing of the treated water).

Contaminants from petroleum are good candidates for natural attenuation because they are among the most easily destroyed by biodegradation. Natural attenuation is non-invasive, which allows treatment to go on below ground, while the surface can continue to be used.

Natural attenuation can also be less costly than active engineered treatment options, and requires no special equipment, energy source, or disposal of treated soil or groundwater.

Will Natural Attenuation Work At My Property?

Whether natural attenuation will work at a particular location is determined by investigating the soil and groundwater. These investigations determine the type of contaminants present, the levels of contamination, and the physical and chemical conditions that lead to biodegradation of the contaminants.

In order to rely on natural attenuation, responsible parties are required to confirm that natural attenuation processes are working by monitoring the soil and groundwater over a period of time to show that the contaminant concentrations are decreasing and that the contamination is no longer spreading.

Those conducting the cleanup need to know whether natural attenuation, or any proposed remedy, will reduce the contaminant concentrations in the soil and groundwater to legally acceptable limits within a reasonable period of time.

Natural attenuation may be an acceptable option for sites where active remediation has occurred and has reduced the concentration of contaminants (for instance, removing leaking underground tanks and contaminated soil).

However, natural attenuation is not an appropriate option at all sites. If the contamination has affected a drinking water well, or has entered a stream or lake, active cleanup options may be necessary to make sure people and the environment are protected from direct contact with the contamination.

The speed or rate of natural attenuation processes is typically slow. Monitoring is necessary to show that concentrations decrease at a sufficient rate to ensure that contaminants will not become a health threat in the future.

Closure Of Contaminated Sites Using Natural Attenuation As A Final Remedy

When contamination is discovered at a property (such as a gas station with leaking underground tanks), the person who is responsible for causing the contamination, and persons having possession or control of hazardous substances that have been discharged, have the responsibility to remove the source of contamination and investigate and clean up the contamination that has escaped into the soil and groundwater.

The contaminant release must be reported to the Wisconsin Department of Natural Resources (DNR) and the site investigation and cleanup are overseen by a state agency. Depending on the type of contaminant, the oversight agency could be the Department of Agriculture, Trade and Consumer Protection or Department of Natural Resources.

When the cleanup has complied with state standards, the person responsible for the contamination will ask the state agency for closure of the case. If natural attenuation is relied upon to finish cleaning up a contaminated property after closure, the responsible person will need to show that contaminant concentrations are not spreading, that contaminant concentrations are stable or decreasing, and that the concentrations will decrease in the future until state groundwater standards are met.

Because natural attenuation processes are slow, it may take many years before the properties with contamination are clean. State rules require that all owners of properties where groundwater contamination has spread must be informed of the contamination below their property.

In addition, the properties with groundwater contamination exceeding state groundwater enforcement standards must be listed on a database to notify future owners and developers of the presence of contamination. If future monitoring occurs and shows that natural attenuation processes have removed the contaminants to state-required cleanup levels, then the properties can be removed from the database.

The state agency will grant closure if the site investigation and monitoring shows that natural attenuation will clean up groundwater to state standards within a reasonable period of time. All state rules for cleanup must be met and the person who is responsible for the contamination must comply with all conditions of the state's closure approval.

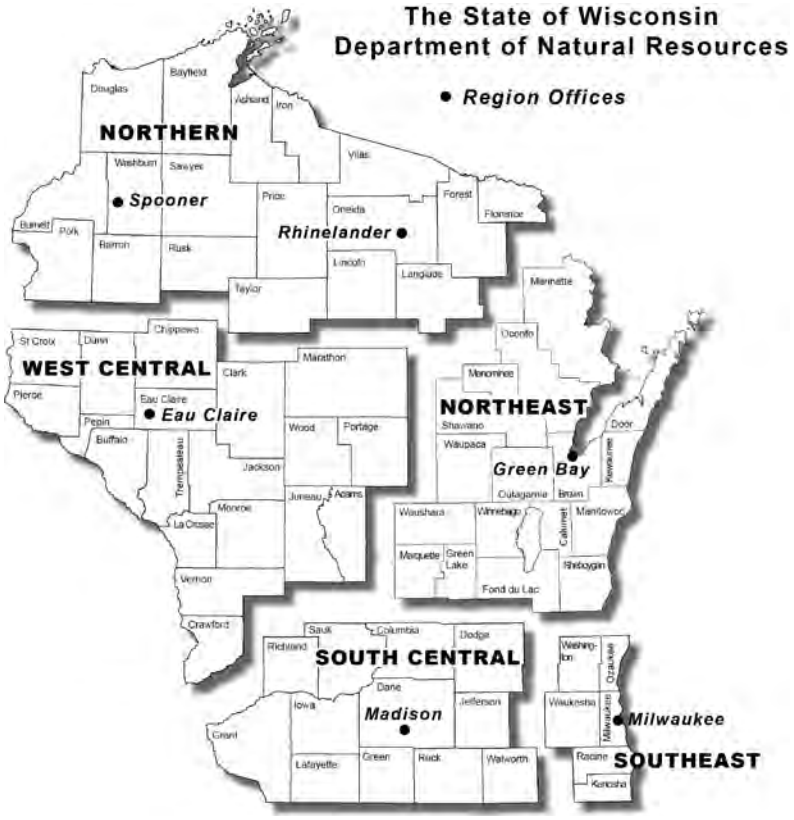
Publications

The following publications provide additional information on natural attenuation. Websites where these can be downloaded free of charge are also listed.

- *A Citizen's Guide to Bioremediation*, September 2012, EPA 542-F-12-003; https://www.epa.gov/sites/production/files/2015-04/documents/a_citizens_guide_to_bioremediation.pdf
- *Commonly Asked Questions Regarding the Use of Natural Attenuation for Petroleum-Contaminated Sites at Federal Facilities*, www.clu-in.org/download/techfocus/na/na-petrol.pdf
- *Monitored Natural Attenuation of Petroleum Hydrocarbons: U.S. EPA Remedial Technology Fact Sheet*, May 1999, EPA 600-F-98-021; www.clu-in.org/download/remed/pet-hyd.pdf
- *Monitored Natural Attenuation of Chlorinated Solvents*, May 1999, EPA 600-F-98-0022; www.clu-in.org/download/remed/chl-solv.pdf
- *Guidance on Natural Attenuation for Petroleum Releases, WI DNR, Bureau for Remediation and Redevelopment*, March 2003, PUB-RR-614; dnr.wi.gov/files/PDF/pubs/rr/RR614.pdf

Contact Information

If you have questions about natural attenuation contact a DNR Environmental Program Associate (EPA) in your local DNR regional office. The EPA can direct you to a project manager.



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

PUB-RR-892
Feb 2014

Wisconsin DNR vapor intrusion quick facts

What is Vapor Intrusion?

Chemicals used in commercial or industrial activities – dry cleaning chemicals, chemical degreasers and petroleum products such as gasoline – are sometimes spilled and leak into nearby soil or groundwater. When this happens, these chemicals may release gases or vapors, which travel from the contaminated groundwater or soil and move into nearby homes or businesses. This is called vapor intrusion.

The process when chemical vapors from contaminated soil or groundwater enter a home or other structure is called vapor intrusion.

Why are these chemical vapors a problem?

The chemicals that cause vapor intrusion are known as volatile organic compounds, or VOCs. Even when spilled into soil or water, these chemicals easily evaporate. They don't cause human health problems when they evaporate into the outside air, but when their vapors move into homes or businesses, they may cause long-term health problems for the people who live or work in those buildings. These vapors are usually odorless and colorless and undetectable without special testing equipment.

Why is vapor intrusion a concern?

Exposure to some chemical gases or vapors can cause an increased risk of adverse health effects. Whether or not a person experiences any health effects depends on several factors, including the amount and length of exposure, the toxicity of the chemical, and the individual's sensitivity to the chemical. When harmful chemical vapor intrusion is the result of environmental contamination, the Wisconsin Department of Natural Resources (DNR) requires that steps be taken to reduce or eliminate exposures which could be harmful to human health.

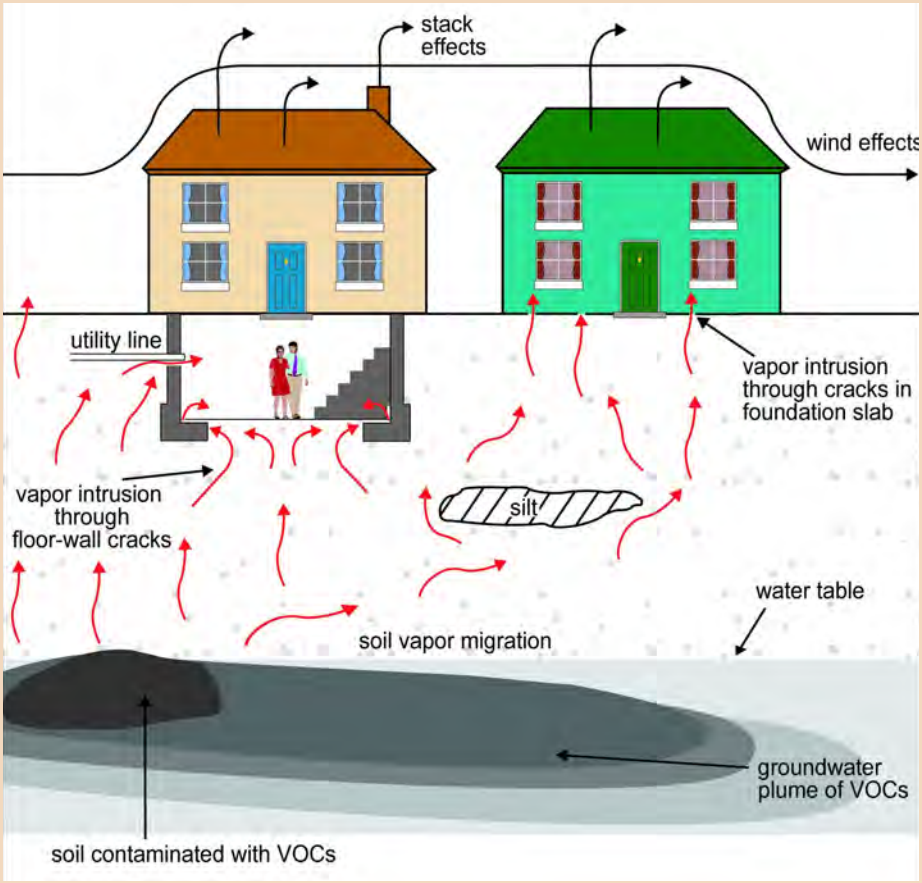
What should I expect if vapor intrusion is suspected near my home or business?

For businesses or other locations where VOC contamination has been found, the DNR requires that the potential for vapor intrusion be investigated. If you live near a site being cleaned up, you may be contacted by the site owner or others working on the cleanup. Your cooperation and consent will be requested before any testing or sampling is conducted on your property. Ask the person contacting you any questions you have about the work being done, or contact the DNR for more information (see DNR contact information on reverse). For more information about testing for vapor intrusion, see DNR-Pub-RR-954, "What to Expect During Vapor Intrusion Sampling."

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search "Brownfields"

How Vapors Enter a Building

If you live near a commercial or industrial facility or landfill where VOCs have entered either the soil or groundwater, there may be a potential for those chemicals to travel as vapors into your home or business. Vapors can enter buildings in various ways, including through cracks in the foundation and openings for utility lines. Building ventilation and weather can influence the extent of vapor intrusion.



Adapted from U.S. Environmental Protection Agency (EPA) graphic.
www.epa.gov/oswer/vaporintrusion/basic.html

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at **dhs.wisconsin.gov** , search "Vapor." For other health-related questions, please contact your local health department: **www.dhs.wisconsin.gov/localhealth**.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at **dnr.wi.gov/topic/Brownfields/Vapor.html**.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at **dnr.wi.gov/topic/Brownfields/Contact.html** or call the RR Program at (608) 266-2111.

SW&P
AN ALLETE COMPANY

May 4, 2022

Via UPS Overnight Delivery and Electronic Mail
City of Superior
Attn: Todd Janigo
1316 N. 14th St.,Rm 200
Superior, WI 54880
E-mail: janigot@ci.superior.wi.us

Dear Mr. Janigo:

Attached for your review are copies of the Notifications of Continuing Obligations ("Notifications") related to the former MGP site. The attached Notifications are a revision of the versions that were sent to you in November, 2021.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Jamie Mehle
Supervising Engineer

JM:sr
Enc.

Section A: Deeded Property Notification: Residual Contamination and/or Continuing Obligations

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

address of party receiving notification

1316 N 14th St., Rm 200
Superior, WI, 54880

Dear Mr. Janigo:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible.
I have investigated a release of:
certain contaminants (as described below) from the former manufactured gas plant (MGP) site
on 800 Hill Ave, Superior, WI, 54880 that has shown that contamination has migrated onto your property.
I have responded to the release and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

You have 30 days to comment on the attached legal description of your property and on the proposed closure request:

Please review the enclosed legal description of your property, and notify Erin Hughes at 2121 Innovation Court, Suite 300, De Pere, WI, 54115 within the next 30 days if the legal description is incorrect.

(attach the legal description for each parcel; legal descriptions are not required for rights-of-way)

The DNR will not review my closure request for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information that is relevant to this closure request, or if you want to waive the 30 day comment period, you should mail that information to the DNR contact: 1701 N. 4th St., Superior, WI, 54880, or at john.sager@wisconsin.gov.

Your Long-Term Responsibilities as a Property Owner and Occupant:
The responses included
investigations of soil and groundwater which identified soil contamination that exceeds ch. NR720 residual contaminant levels (RCLs) and groundwater contamination that exceeds ch. NR 140 enforcement standards (ESs). SWL&P is planning specific remedial actions in coordination with the DNR to address certain areas of soil and groundwater contamination. For some time, there will be a continued need to leave monitoring wells on the property and for the owner to provide SWL&P access to them for sampling. Because of structural impediments (e.g. storm and sewer piping and wastewater treatment facilities), there are continuing obligations of the owner to leave those areas undisturbed or, if necessary to disturb those areas, to take actions to protect the environment and employees.
The continuing obligations I am proposing that affect your property are listed below, under the heading **Continuing Obligations**. Under s. 292.12 (5), Wis. Stats., current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approved closure.

The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Attach a copy of factsheet RR 819

Contract for responsibility for continuing obligation:
Before I request closure, I will need to inform the DNR as to whom will be responsible for the continuing obligation/s on your property.
SWL&P is conducting the Remedial Action (RA). These actions will in part be conducted on the owner property (see Drawing A-4). Additional obligations of the owner include protection of RA facilities and requirements to avoid contact with impacted soil, groundwater, and air that will be cleaned up to levels below performance standards during the RA.

Continued obligations of the owner after RA construction completion may include restrictions on groundwater use, limitations and guidance on soil disturbance, obligations relative to structural impediments, and industrial land use limitations.
Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to comply with the requirements of the final closure letter. If you need more time to finalize an agreement on the responsibility for the continuing obligations on your Property, you may request additional time from the DNR contact identified in **Contact Information.**

(Note: Future property owners would need to negotiate a new agreement.)

Remaining Contamination:

a. ☒ ***Soil Contamination:***

Soil contamination remains at :
the downgradient of the former MGP discharge area at the approximate extent shown in Figure 2 and further described in site documents on the BRRTS website.
The remaining contaminants include:
VOCs (benzene, toluene, ethylbenzene, and xylenes) and polycyclic aromatic hydrocarbons (PAHs)

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.
SWL&P will excavate soil, install a biosparge and SVE system, and treat resulting air emissions. At depths less than 4 ft, soil exceeding the Industrial shallow soil direct-contact RCLs will be excavated. At depths greater than 4 ft, soil with benzene greater than 5 mg/kg will be excavated from the former MGP gas holder and former Hortonsphere areas. Certain soil with elevated PAH concentrations in the former MGP discharge area will be excavated. This excavation will remove a significant amount of chemical mass prior to further in-place treatment using biosparging, soil vapor extraction, and air treatment. Despite significant source removal and treatment, some residual contaminants will remain in soil above NR 720 RCLs.

b. ☒ ***Groundwater Contamination:***

Groundwater contamination originated at the property located at 800 Hill Ave, Superior, WI, 54880 .
Contaminated groundwater has migrated onto your property at:
Superior, WI [No Street Address]; Tax Parcels: 1280319/02-802-07101-00, 1280321/02-802-07102-00;
Approximate extent of groundwater contamination shown on Figure 2 and further described in site documents on the BRRTS website.
The levels of
volatile organic compounds (benzene, toluene, ethyl benzene, xylenes) and certain polycyclic aromatic hydrocarbons (PAHs)
contamination in the groundwater on your property are above the state groundwater enforcement standards found in ch. NR 140, Wis. Adm. Code.

c. ☒ However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation, or the breakdown of contaminants in groundwater due to naturally occurring processes, to complete the cleanup at this site will meet the case closure requirements of ch. NR 726, Wis. Adm. Code. As part of my request for case closure, I am requesting that the DNR accept natural attenuation as the final remedy for this site.

The following DNR fact sheet (RR 671, "What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater") has been included with this notification, to help explain the use of natural attenuation as a remedy. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR671.pdf. Attach a copy of factsheet RR 671.

d. ☒ ***Vapor Intrusion:***

Remaining contamination in soil and/or groundwater at this site is contributing to the intrusion of vapors at your property, or to the potential for vapor intrusion. Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building. The following DNR fact sheet (RR 892, "Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property") has been included with this notification to help explain vapor intrusion and the use of vapor mitigation systems. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR892.pdf Attach a copy of factsheet RR 892.

At your property at: 800 Hill Ave, Superior, WI, 54880
the levels of benzene
are above vapor risk action levels, beneath the foundation on your property.

Continuing Obligations on Your Property: As part of the cleanup, I am proposing that the following continuing obligations be used at your property, to address future exposure to residual contamination. If my closure request is approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR. See **Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed, to protect the water supply.

a. ☒ ***Residual Soil Contamination:***

If soil is excavated from the areas with residual contamination, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present
- determine whether the material would be considered solid or hazardous waste
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in-place, in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

b. ☐ Need to abandon monitoring wells

c. ☒ ***Continued Sampling of Monitoring Wells:***

MW-10, MW-12R, MW-15, MW-20, MW-16, MW-17, MW-21, MW-29 (SEE FIGURE 1) . *Attach a well location map.*

d. ☐ A cover/engineered cover has been used as a remedial action

e. ☒ ***Use of Industrial Soil Standards:***

Industrial soil standards have been applied for the cleanup of this site. If closure is approved, notification of the DNR will be required if the property changes from industrial use, and additional investigation and remediation may be required at that time.

f. ☒ ***Use of a Structural Impediment:***

A structural impediment other remains on the property, which inhibited a complete investigation and cleanup. If and when this structural impediment is removed, additional investigation will be required, and further cleanup may be necessary.

g. ☐ Vapor mitigation system needs to be operated and maintained

h. ☐ Vapor - Dewatering system needs to be operated and maintained

i. ☐ Vapor - Compounds of concern are still in use

j. ☒ ***Vapor: Commercial or Industrial Use of Property:***

The closure request is based on this property being used for commercial or industrial purposes, using site-specific vapor exposure assumptions. If closure is approved, notification of the DNR will be required before changing the use of the property. Additional investigation and remediation may be required at that time.

k. ☒ ***Vapor: Future Actions to Address Vapor Intrusion:***

While vapor intrusion does not currently exist, if a building is constructed on this property, or reconstructed, or if use of a building is changed to a residential-type use, vapor intrusion may become an issue. If closure is approved, notification of the DNR will be required before construction of a building or changing the use of an existing building to residential occupancy. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time.

l. ☐ Site specific condition based on discussion with Department

Maintenance and Audits of Continuing Obligations:

If compliance with a maintenance plan is required as part of a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR. Submittal of the inspection log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain the continuing obligation and to document that maintenance in the inspection log. Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

Well Construction Requirements:

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at https://dnr.wi.gov/topic/Brownfields/WRRD.html. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. The property owner needs to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. A well driller can help complete this form. The well construction application, form 3300−254, is on the internet at https://dnr.wi.gov/files/PDF/forms/3300/3300-254.pdf.

Site Closure:

If the DNR grants closure, you will receive a letter which defines the specific continuing obligations on your property. The status of the site (open or closed) may also be checked by searching BRRTS on the Web. You may view or download a copy of the closure letter (sent to the responsible party) from BRRTS on the Web. You may also request a copy of the closure letter from the **responsible party** or by writing to the DNR contact, at John Sager, john.sager@wisconsin.gov, (715) 919-7239 . The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

If you have any questions regarding this notification, I can be reached at: (715) 395-6234 , jskandel@swlp.com .

Jaclyn Skandel

Signature of responsible party/environmental consultant for the responsible party

Date Signed 04/26/2022

Attachments (third page of form)

Contact Information

Legal Description for each Parcel:

Maps:

Maintenance plan

Factsheets:

RR 819, Continuing Obligations for Environmental Protection

c) Natural Attenuation

☒ RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

d) Vapor Intrusion

☒ RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

List of Attachments

Attachment A: Contact Information

Attachment B: Parcel Legal Description

Attachment C: Maps

- Figure 1
- Figure 2
- Drawing A-4

Attachment D: Factsheets

- RR 819, Continuing Obligations for Environmental Protection
- RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater
- RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

Attachment A

Contact Information

The affected property is:

- ○ the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ◉ a deeded property affected by contamination from the source property
- ○ a right-of-way (ROW)
- ○ a Department of Transportation (DOT) ROW

Include this completed page as an attachment with all notifications provided under sections A and B.

Contact Information

Responsible Party: The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name: Superior Water, Light, & Power (SWL&P)

Contact Person Last Name	First	MI	Phone Number (include area code)
Skandel	Joscelyn	A	(715) 395-6234

Address	City	State	ZIP Code
2915 Hill Ave	Superior	WI	54880

E-mail: jskandel@swlp.com

Name of Party Receiving Notification:

Business Name, if applicable: City of Superior

Title	Last Name	First	MI	Phone Number (include area code)
Mr.	Janigo	Todd		(715) 395-7334

Address	City	State	ZIP Code
1316 N 14th St., Rm 200	Superior	WI	54880

Site Name and Source Property Information:

Site (Activity) Name: Superior Water Light & Power Manufactured Gas Plant (MGP)

Address	City	State	ZIP Code
800 Hill Ave	Superior	WI	54880

DNR ID # (BRRTS#)	(DATCP) ID #
02-16-275446	

Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

Environmental Consultant: Foth Infrastructure & Environment, LLC (Foth)

Contact Person Last Name	First	MI	Phone Number (include area code)
Hughes	Erin	C	(920) 412-8594

Address	City	State	ZIP Code
2121 Innovation Court, Suite 300	De Pere	WI	54115

E-mail: erin.hughes@foth.com

Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

Department of: Natural Resources (DNR) Office: Superior

Address	City	State	ZIP Code
1701 N. 4th St.	Superior	WI	54880

Contact Person Last Name	First	MI	Phone Number (include area code)
Sager	John	E	(715) 919-7239

E-mail (Firstname.Lastname@wisconsin.gov): john.sager@wisconsin.gov

Attachment B

Parcel Legal Description

Legal Property Description
City of Superior, Wisconsin

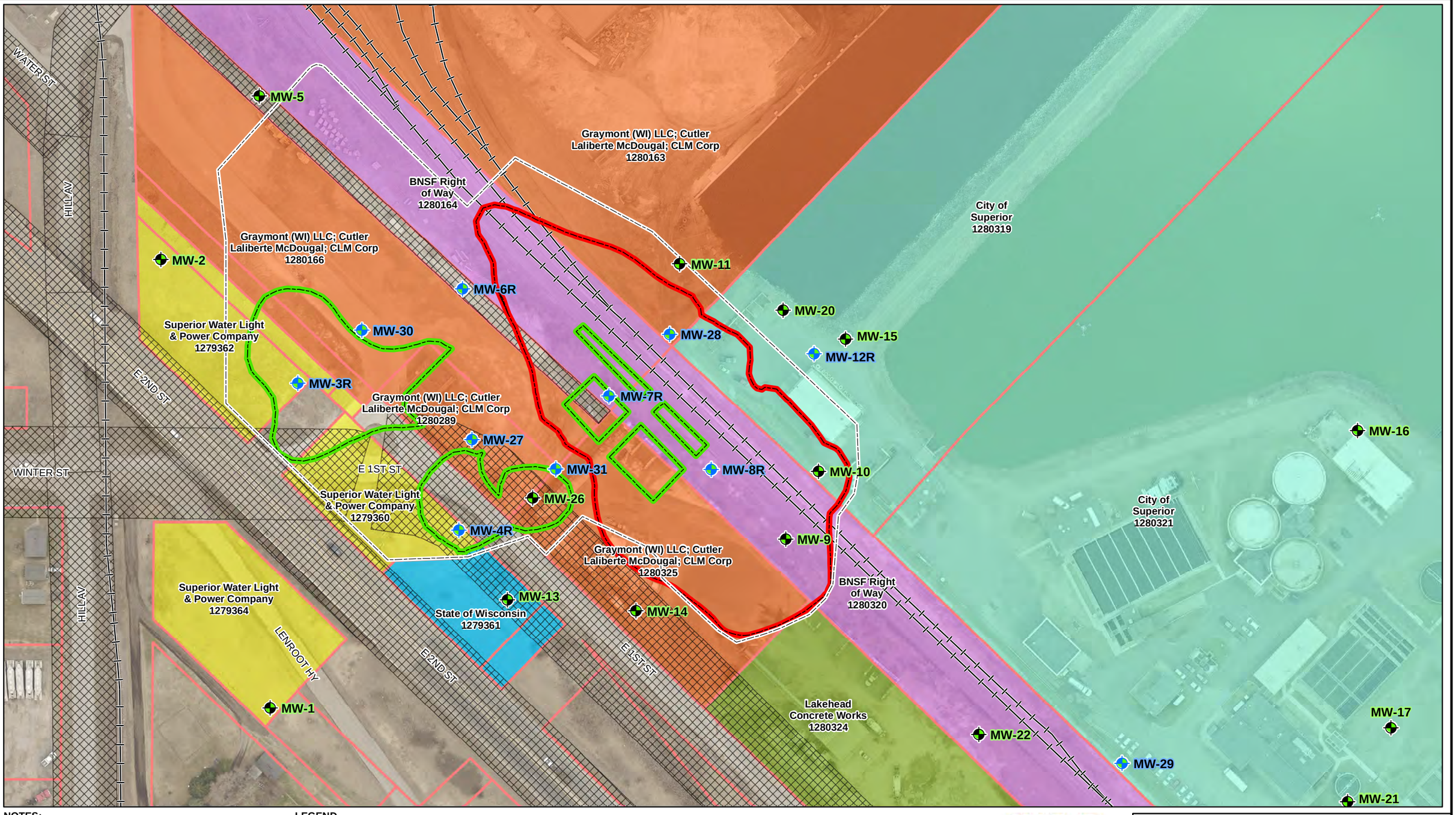
Owner	Parcel ID	Address Per Douglas County	Abbreviated Legal Description
City of Superior	1280319/02-802-07101-00	Vacant	LAND PART OF GOVT LOT 2 SEC 13 TP 49 R 14 BEG AT A POINT ON THE NE'LY LINE OF WATER ST ROYS ADD TO SUPERIOR CITY 130 FT SE'LY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SE'LY LINE OF C ST WITH NE'LY LINE OF WATER ST,THENCE ON A LINE PARALLEL WITH SE'LY LINE OF C ST PRODUCED TO THE ESTABLISHED DOCK LINE IN THE BAY OF SUPERIOR, THENCE NW ALONG SAID DOCK LINE 300 FT, THENCE SW'LY ON A LINE PARALLEL WITH SE'LY LINE OF C ST PRODUCED TO NE'LY LINE OF WATER ST, THENCE SE'LY ALONG NE'LY LINE OF SAID WATER ST TO BEG, EXCEPT NP R/W & SUBJ TO SLIP AGREEMENT VOL 2 OF AGREEMENTS PAGE 242, EXC PART CONV 230D235 67-11 333-505
	1280321/02-802-07102-00	Vacant	DOCK PROPERTY BEG AT A POINT IN NE'LY LINE OF WATER ST ROYS ADD TO SUP CITY 130 FT SE'LY FROM THE CORNER FORMED BY THE INTERSECTION OF THE S'LY LINE OF C ST WITH NE'LY LINE OF WATER ST, THENCE SE'LY ALONG NE'LY LINE OF WATER ST TO ITS INTERSECTION WITH S'LY LINE OF E ST IN SAID ROYS ADDN, THENCE SW'LY ALONG SAID S'LY LINE OF E ST TO NE'LY LINE OF BAY ST IN SAID ROYS ADDN, THENCE SE'LY ALONG SAID NE'LY LINE OF BAY ST ABOUT 216 FT (516 FT?) TO A POINT WHICH IS THE CENTER OF THE SW'LY END OF LOT 3 BL 11 SUPR CITY, THENCE NE'LY AT RIGHT ANGLES TO NE'LY LINE OF BAY ST TO A POINT DISTANT 60 FT SW'LY FROM N P R/W, THENCE NW'LY IN A STRAIGHT LINE TO A POINT IN THE SW'LY LINE OF R/W OF SAID N P RY CO WHICH POINT IS 440 FT NW'LY FROM THE N & S CENTERLINE OF SAID LOT 3 BL 11, THENCE SE'LY ALONG SW'LY LINE OF SAID R/W 440 FT TO SAID N & S CENTERLINE OF SAID LOT 3 BL 11, THENCE NE'LY AT RIGHT ANGLES TO NE'LY LINE OF SAID BAY ST TO THE ESTABLISHED DOCK LINE IN BAY OF SUP, THENCE NW'LY ALONG SAID ESTABLISHED DOCK LINE TO A POINT 130 FT SE'LY FROM SE'LY LINE OF C ST ROYS ADDN PRODUCED MEASURED AT RT ANGLES TO SAID PRODUCED LINE, THENCE SW'LY AT RT ANGLES TO NE'LY LINE OF WATER ST TO BEG, SUBJ TO N P R/W & SO CALLED CONAN SLIP AGREEMENT DATED MARCH 31, 1896 SUBJ TO F ST DEDICATED 5/9/1922 EXC THAT PART RECORDED IN 265-315 AND 385-277, AND EXC PART CONV IN VOL 400 PAGES 636,637 & 638, AND EXC PART CONV IN #829763/#828798 (PCL 2-05928). SAID PARCEL CONTAINS 37.998 AC M/L
	City ROW	Vacant	City of Superior has confirmed this is an unplatted alley.

Notes:
R/W = Right-Of-Way
DOT= Department of Transportation

Attachment C

Maps

Figure 1
Figure 2
Drawing A-4



NOTES:

1. 2016 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Parcels supplied by Douglas County GIS.
4. Based on conversation with the City of Superior, the strip of land between BNSF parcel 1280164 and Graymont Parcel 1280166 is unplotted land that is considered a City of Superior Right of Way.

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

LEGEND

- Proposed Monitoring Well
- Existing Monitoring Well
- Limits of Construction
- Excavation Area
- Biosparge/SVE Area
- Railroad
- City of Superior Right of Way
- Tax Parcel

Property Owner

- BNSF Right of Way
- City of Superior
- Graymont (WI) LLC; Cutler Laliberte McDougal; CLM Corp
- Lakehead Concrete Works
- Superior Water Light & Power Company
- State of Wisconsin

SWL&P

Foth

N

0 50 100 Feet

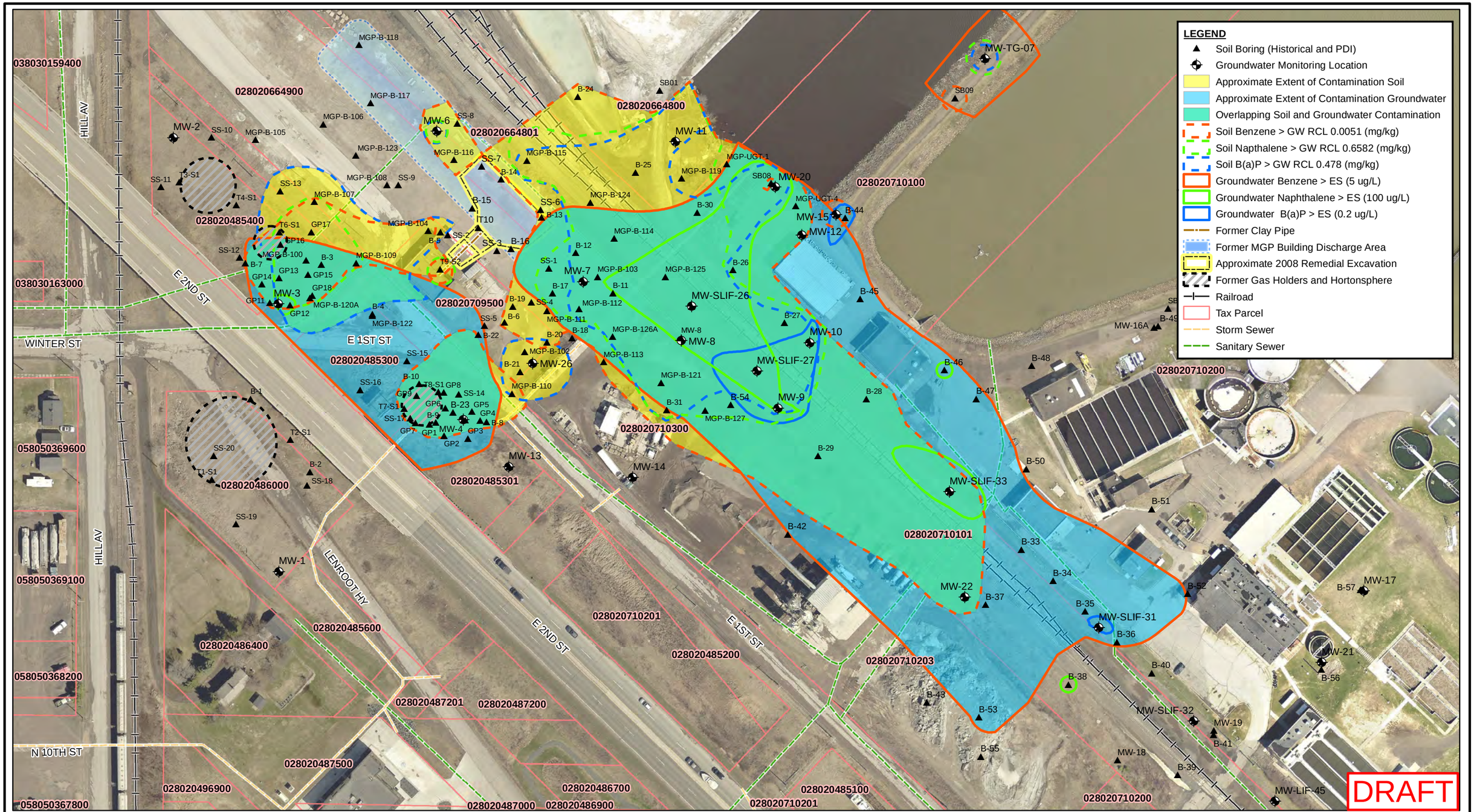
SUPERIOR WATER, LIGHT & POWER

FIGURE 1

LIMITS OF CONSTRUCTION AND AFFECTED PROPERTY OWNERS SUPERIOR, WISCONSIN

Date: JANUARY 2022	Revision Date:	
Drawn By: DAT	Checked By: ERH	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Cont Ob Form 4400\Figure 1 - Limits of Construction and Affected Property Owners.mxd Date: 1/27/2022



NOTES:

1. 2019 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Groundwater impacts were estimated based on the maximum concentration observed between the April 2017 and July 2020 (PDI) monitoring events. The extent of groundwater contamination is delineated as exceedances of the WDNR NR 140 Enforcement Standard (ES).
4. Soil impacts were estimated from historical and PDI sample data. The extent of soil contamination is delineated as exceedances of the WDNR. Industrial soil direct-contact RCL for soil 0-4 ft bgs or soil to groundwater protection RCL for soil >4 ft bgs.
5. Parcels supplied by Douglas County GIS.

Industrial Soil D-C RCL
- Benzene <7.07 mg/kg
- Naphthalene <24.1 mg/kg
- Benzo(a)pyrene <2.11 mg/kg

Soil to Groundwater Protection RCL
- Benzene <0.0051 mg/kg
- Naphthalene <0.6582 mg/kg
- Benzo(a)pyrene <0.478 mg/kg

0 50 100 Feet

N

SUPERIOR WATER, LIGHT & POWER

FIGURE 2

APPROXIMATE EXTENT OF COMBINED SOIL AND GROUNDWATER CONTAMINATION SUPERIOR, WISCONSIN

Date: APRIL 2022	Revision Date:	
Drawn By: SGL	Checked By: BDS1	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Cont Ob Form 4400\Figure 2 - Approximate Extent of Combined Soil and Groundwater Contamination.mxd Date: 4/13/2022

153,800 E
154,000 E
154,200 E
154,400 E
154,600 E
308,600 N
308,400 N
308,200 N
308,000 N
307,800 N
N
BNSF
LIMITS OF CONSTRUCTION
TEMPORARY FENCING (UNTIL CONSTRUCTION COMPLETION) SEE DETAIL 5 A-7
VENTED PILE LAYOUT
20' ENTRY GATE
TWTS
SOIL PILES
PERMANENT CHAIN LINK FENCING SEE DETAIL 5 A-7
EXCAVATION 3 AREA
FORMER GAS HOLDER
SWL&P
GATE
BIOSPARGE/SVE AIR EQUIPMENT AREA
SOIL PILES
GRAYMONT PARKING
5 FRAC TANKS FOR TEMP WATER STORAGE
EXCAVATION 1 AREA
JACK AND BORE SVE/BIOSPARGE PIPING
REPLACE EXISTING GATES WITH 20' ENTRY GATES SEE DETAIL 5 A-7
EXISTING FENCING (REMOVE AND REPLACE)
FORMER HORTON-SPHERE
E 2ND ST.
EXCAVATION 2 AREA
CONTRACTOR STAGING AREA
E 1ST ST
BIOSPARGE AREA
ARROWHEAD CONCRETE
CITY OF SUPERIOR

LEGEND

- BOAT SLIP BOUNDARY
- EXISTING BUILDING
- FENCE
- GROUND SURFACE ELEVATION
- PROPERTY BOUNDARY
- STORM SEWER PIPE
- SANITARY SEWER PIPE
- FIBER OPTIC
- RAILROAD
- EXISTING ROADWAYS
- IMPERVIOUS AREA LIMIT
- LIMITS OF CONSTRUCTION
- TEMPORARY FENCING
- 2008 EXCAVATION AREA
- EXCAVATION AREA
- MW-11 MONITORING WELL
- BIOSPARGE AREA
- WASTEWATER TREATMENT PLANT (WWTP) PIPE
- DEWATERING WELL
- HORIZONTAL SVE PIPE
- BIOSPARGE LATERAL PIPE AND WELL
- SVE AND BIOSPARGE MAIN HEADER PIPE
- BNSF PROPERTY
- CONTRACTOR STAGING AREA
- GRAYMONT PARKING AREA
- FRAC TANK
- VENTED PILE AREA
- TWTS AREA
- VENTED PIPING AREA

NOTES:

1. HORIZONTAL COORDINATE SYSTEM: NAD 1983 DOUGLAS COUNTY, UNITS IN FEET.
2. 2016 - 3" RESOLUTION AIR PHOTO FROM DOUGLAS COUNTY.
3. STORM AND SANITARY DATE SUPPLIED BY DOUGLAS COUNTY GIS.
4. ELECTRIC, GAS AND WATER DATASETS SUPPLIED BY SUPERIOR WATER, LIGHT & POWER.
5. SEE DRAWING B-1 FOR PLACEMENT OF TEMPORARY CONSTRUCTION FENCING DURING EXCAVATION

Foth
Foth Infrastructure & Environment, LLC
2121 Innovation Court, Suite 100
P.O. Box 5095
De Pere, WI 54115-5126
Phone: 920-497-2600

SWL&P

UPLAND AREA REMEDIAL ACTION DESIGN DRAWINGS FOR THE FORMER MGP SITE

SUPERIOR WATER, LIGHT & POWER

WISCONSIN

DOUGLAS COUNTY

REVISIONS:

NO.	DESCRIPTION	DATE	BY
1			
2			
3			
4			

RECORD DRAWING OF COMPLETED CONSTRUCTION BY: _____

RECORD DRAWINGS OF COMPLETED CONSTRUCTION CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS. DATE _____ BY _____

DATE OF PREPARATION

	BY	DATE
SURVEYED		
DRAWN	JOW	JANUARY 2022
DESIGNED		
CHECKED	BDS1	JANUARY 2022

SITE LAYOUT PLAN

HORIZONTAL SCALE:
0 50' 100'

PROJECT ID: 18S024

A-4

DRAFT

$FILE$
$$DAT$$$$

Attachment D

Factsheets

RR 819, Continuing Obligations for Environmental Protection

RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

Remediation and Redevelopment Program June 2017

Continuing Obligations for Environmental Protection

Responsibilities of Wisconsin Property Owners

Wis. Stat. § 292.12

Purpose
This fact sheet is intended to help property owners understand their legal requirements under s. 292.12, Wis. Stats., regarding continuing obligations that arise due to the environmental condition of their property.

Introduction

The term "continuing obligations" refers to certain actions for which property owners are responsible following a completed environmental cleanup. They are sometimes called environmental land use controls or institutional controls. These legal obligations, such as a requirement to maintain pavement over contaminated soil, are most often found in a cleanup approval letter from the state.

Less commonly, a continuing obligation may apply where a cleanup is not yet completed but a cleanup plan has been approved, or at a property owned by a local government that is exempt from certain cleanup requirements.

What Are Continuing Obligations?

Continuing obligations are legal requirements designed to protect public health and the environment in regard to contamination that remains on a property.

Continuing obligations still apply after a property is sold. Each new owner is responsible for complying with the continuing obligations.

Background

Wisconsin, like most states, allows some contamination to remain after cleanup of soil or groundwater contamination (residual contamination). This minimizes the transportation of contamination and reduces cleanup costs while still ensuring that public health and the environment are protected.

The Department of Natural Resources (DNR), through its Remediation and Redevelopment (RR) Program, places sites or properties with residual contamination on a public database in order to provide notice to interested parties about the residual contamination and any associated continuing obligations. Please see the "Public Information" section on page 3 to learn more about the database. (Prior to June 3, 2006, the state used deed restrictions recorded at county courthouses to establish continuing obligations, and those deed restrictions have also been added into the database.)

Types of Continuing Obligations

1. **Manage Contaminated Soil that is Excavated**

   If the property owner intends to dig up an area with contaminated soil, the owner must ensure that proper soil sampling, followed by appropriate treatment or disposal, takes place. Managing contaminated soil must be done in compliance with state law and is usually done under the guidance of a private environmental professional.

2. Manage Construction of Water Supply Wells

If there is soil or groundwater contamination and the property owner plans to construct or reconstruct a water supply well, the owner must obtain prior DNR approval to ensure that well construction is designed to protect the water supply from contamination.

Other Types of Continuing Obligations

Some continuing obligations are designed specifically for conditions on individual properties. Examples include:

- keeping clean soil and vegetation over contaminated soil;
- keeping an asphalt "cover" over contaminated soil or groundwater;
- maintaining a vapor venting system; and
- notifying the state if a structural impediment (e.g. building) that restricted the cleanup is removed. The owner may then need to conduct additional state-approved environmental work.

It is common for properties with approved cleanups to have continuing obligations because the DNR generally does not require removal of all contamination.

Property owners with the types of continuing obligations described above will find these requirements described in the state's cleanup approval letter or cleanup plan approval, and *must*:

- comply with these property-specific requirements; and
- obtain the state's permission before changing portions of the property where these requirements apply.

The requirements apply whether or not the person owned the property at the time that the continuing obligations were placed on the property.

Changing a Continuing Obligation

A property owner has the option to modify a continuing obligation if environmental conditions change. For example, petroleum contamination can degrade over time and property owners may collect new samples showing that residual contamination is gone. They may then request that the DNR modify or remove a continuing obligation. Fees are required for the DNR's review of this request and for processing the change to the database ($1050 review fee, $300/$350 database fee). Fees are subject to change; current fees are found in Wis. Admin. § NR 749 online at http://docs.legis.wisconsin.gov/code/admin_code/nr/700/749.

Public Information

The DNR provides public information about continuing obligations on the Internet. This information helps property owners, purchasers, lessees and lenders understand legal requirements that apply to a property. The DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to the DNR. Site specific documents are found under the *Documents* section. The information includes maps, deeds, contaminant data and the state's closure letter. The closure letter states that no additional environmental cleanup is needed for past contamination and includes information on property-specific continuing obligations. If a cleanup has not been completed, the state's approval of the remedial action plan will contain the information about

continuing obligations.

Properties with continuing obligations can generally be located in the DNR's *RR Sites Map*. RR Sites Map provides a map view of contaminated and cleaned up sites, including sites with continuing obligations, and links to BRRTS on the Web. *BRRTS on the Web* and *RR Sites Map* are part of the Wisconsin Remediation and Redevelopment Database (WRRD) at http://dnr.wi.gov/topic/Brownfields/wrrd.html.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the documents section, the DNR's closure letter can still be obtained from a regional office. For assistance, please contact a DNR Environmental Program Associate (see the RR Program's Staff Contact web page at dnr.wi.gov/topic/Brownfields/Contact.html).

Off-Site Contamination: When Continuing Obligations Cross the Property Line

An off-site property owner is someone who owns property that has been affected by contamination that moved through soil, sediment or groundwater from another property. Wis. Stat. § 292.13 provides an exemption from environmental cleanup requirements for owners of "off-site" properties. The DNR will generally not ask off-site property owners to investigate or clean up contamination that came from a different property, as long as the property owner allows access to his or her property so that others who are responsible for the contamination may complete the cleanup.

However, off-site property owners are legally obligated to comply with continuing obligations on their property, even though they did not cause the contamination. For example, if the state approved a cleanup where the person responsible for the contamination placed clean soil over contamination on an off-site property, the owner of the off-site property must either keep that soil in place or obtain state approval before disturbing it.

Property owners and others should check the *Public Information* section above if they need to:

- determine whether and where continuing obligations exist on a property;
- review the inspection, maintenance and reporting requirements, and
- contact the DNR regarding changing that portion of the property. The person to contact is the person that approved the closure or remedial action plan.

Option for an Off-Site Liability Exemption Letter

In general, owners of off-site properties have a legal exemption from environmental cleanup requirements. This exemption does not require a state approval letter. Nonetheless, they may request a property-specific liability exemption letter from the DNR if they have enough information to show that the source of the contamination is not on their property. This letter may be helpful in real estate transactions. The fee for this letter is $700 under Chapter NR 749, Wis. Adm. Code. For more information about this option, please see the RR Program's Liability web page at dnr.wi.gov/topic/Brownfields/Liability.html.

Legal Obligations of Off-Site Property Owners

- Allow access so the person cleaning up the contamination may work on the off-site property (unless the off-site owner completes the cleanup independently).
- Comply with any required continuing obligations on the off-site property.

Required Notifications to Off-Site Property Owners

1. The person responsible for cleaning up contamination must notify affected property owners of any proposed continuing obligations on their off-site property **before** asking the DNR to approve the cleanup. This is required by law and allows the off-site owners to provide the DNR with any technical information that may be relevant to the cleanup approval.

   When circumstances are appropriate, an off-site neighbor and the person responsible for the cleanup may enter into a "legally enforceable agreement" (i.e. a contract). Under this type of private agreement, the person responsible for the contamination may also take responsibility for maintaining a continuing obligation on an off-site property. This agreement would not automatically transfer to future owners of the off-site property. The state is not a party to the agreement and cannot enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, the DNR will send a letter to the off-site owners detailing the continuing obligations that are required for their property. Property owners should inform anyone interested in buying their property about maintaining these continuing obligations. For residential property, this would be part of the real estate disclosure obligation.

More Information

For more information, please visit the RR Program's Continuing Obligations website at dnr.wi.gov/topic/Brownfields/Residual.html.

Using Natural Attenuation to Clean Up Contaminated Groundwater:
What Landowners Should Know

RR-671 December 2016

What Is Natural Attenuation?
Natural attenuation makes use of natural processes in soil and groundwater to contain the spread of contamination and to reduce the amount of contamination from chemical releases.

Natural attenuation is an *in-situ* treatment method. This means that contaminants are left in place while natural attenuation works on them. Natural attenuation is relied upon to clean up contamination that remains after the source of the contamination is removed. An example of a source of contamination would be a leaking underground petroleum tank.

How Does Natural Attenuation Work?
Natural attenuation processes work at many sites, but the rate and degree of effectiveness varies from property to property, depending upon the type of contaminants present and the physical, chemical and biological characteristics of the soil and groundwater.

Natural attenuation processes can be divided into two broad categories – destructive and non-destructive. Destructive processes destroy contaminants. The most common destructive process is **biodegradation**.

Non-destructive processes do not destroy the contaminant, but reduce contaminant concentrations in groundwater through **dilution**, **dispersion** or **adsorption**.

Biodegradation
Biodegradation is a process in which micro-organisms that naturally occur in soil and groundwater (e.g. yeast, fungi, or bacteria), break down, or degrade hazardous substances to less toxic or non-toxic substances. Microorganisms, like humans, eat and digest organic compounds for nutrition and energy (organic compounds contain carbon and hydrogen atoms).

Some types of microorganisms can digest organic substances such as fuels or solvents that are hazardous to humans. Microorganisms break down the organic contaminants into harmless products – mainly carbon dioxide and water. Once the contaminants are degraded, the microorganism populations decline because they have used their food sources. These small populations of microorganisms pose no contaminant or health risk.

Many organic contaminants, like petroleum, can be biodegraded by microorganisms in the underground environment. For example, biodegradation processes can effectively cleanse soil and groundwater of hydrocarbon fuels such as gasoline and benzene, toluene, ethylbenzene, and xylene – known as the BTEX compounds, under certain conditions.

Biodegradation can also breakdown other contaminants in groundwater such as trichloroethylene (TCE), a chlorinated solvent used in metal cleaning. However, the processes involved are harder to predict and are less effective at contaminant removal compared to petroleum-contaminated sites.

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search “brownfield”

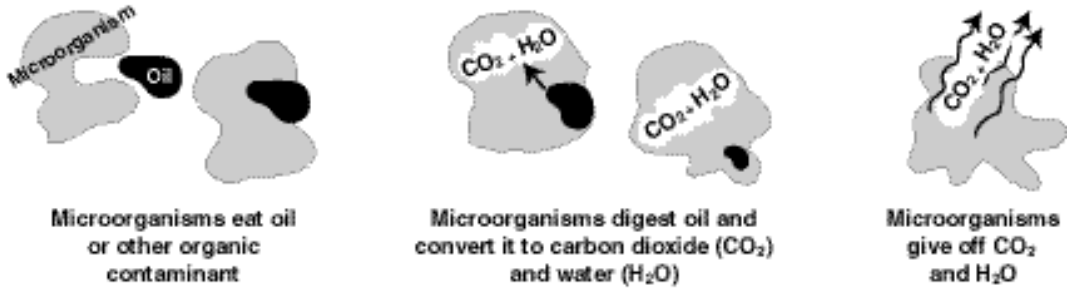


Figure 1. Schematic Diagram of Aerobic Biodegradation in Soil

Dilution and Dispersion

The effects of dilution and dispersion reduce contaminant concentrations but do not destroy contaminants. Clean water from the surface seeps underground to mix with and dilute contaminated groundwater.

Other processes that lead to reduced concentrations of contaminants include clean groundwater flowing into contaminated areas, and the dispersion of pollutants as they spread out and away from the main path of the contaminated plume.

Adsorption

Adsorption occurs when contaminants attach or "sorb" to underground particles. Most oily substances (like petroleum compounds) repel water and escape from the groundwater by attaching to organic matter and clay minerals in the subsurface.

This process holds back or retards contaminant movement and reduces the concentration of contaminants in the groundwater. However, like dilution and dispersion, adsorption does not destroy contaminants.

Why Consider Natural Attenuation To Clean Up Soil And Groundwater?

In certain situations, natural attenuation is an effective, inexpensive cleanup option and the most appropriate way to remediate some contamination problems. Natural attenuation focuses on confirming and monitoring natural remediation processes rather than relying on engineered or "active" technologies (such as pumping groundwater, treating it above ground, then disposing of the treated water).

Contaminants from petroleum are good candidates for natural attenuation because they are among the most easily destroyed by biodegradation. Natural attenuation is non-invasive, which allows treatment to go on below ground, while the surface can continue to be used.

Natural attenuation can also be less costly than active engineered treatment options, and requires no special equipment, energy source, or disposal of treated soil or groundwater.

Will Natural Attenuation Work At My Property?

Whether natural attenuation will work at a particular location is determined by investigating the soil and groundwater. These investigations determine the type of contaminants present, the levels of contamination, and the physical and chemical conditions that lead to biodegradation of the contaminants.

In order to rely on natural attenuation, responsible parties are required to confirm that natural attenuation processes are working by monitoring the soil and groundwater over a period of time to show that the contaminant concentrations are decreasing and that the contamination is no longer spreading.

Those conducting the cleanup need to know whether natural attenuation, or any proposed remedy, will reduce the contaminant concentrations in the soil and groundwater to legally acceptable limits within a reasonable period of time.

Natural attenuation may be an acceptable option for sites where active remediation has occurred and has reduced the concentration of contaminants (for instance, removing leaking underground tanks and contaminated soil).

However, natural attenuation is not an appropriate option at all sites. If the contamination has affected a drinking water well, or has entered a stream or lake, active cleanup options may be necessary to make sure people and the environment are protected from direct contact with the contamination.

The speed or rate of natural attenuation processes is typically slow. Monitoring is necessary to show that concentrations decrease at a sufficient rate to ensure that contaminants will not become a health threat in the future.

Closure Of Contaminated Sites Using Natural Attenuation As A Final Remedy

When contamination is discovered at a property (such as a gas station with leaking underground tanks), the person who is responsible for causing the contamination, and persons having possession or control of hazardous substances that have been discharged, have the responsibility to remove the source of contamination and investigate and clean up the contamination that has escaped into the soil and groundwater.

The contaminant release must be reported to the Wisconsin Department of Natural Resources (DNR) and the site investigation and cleanup are overseen by a state agency. Depending on the type of contaminant, the oversight agency could be the Department of Agriculture, Trade and Consumer Protection or Department of Natural Resources.

When the cleanup has complied with state standards, the person responsible for the contamination will ask the state agency for closure of the case. If natural attenuation is relied upon to finish cleaning up a contaminated property after closure, the responsible person will need to show that contaminant concentrations are not spreading, that contaminant concentrations are stable or decreasing, and that the concentrations will decrease in the future until state groundwater standards are met.

Because natural attenuation processes are slow, it may take many years before the properties with contamination are clean. State rules require that all owners of properties where groundwater contamination has spread must be informed of the contamination below their property.

In addition, the properties with groundwater contamination exceeding state groundwater enforcement standards must be listed on a database to notify future owners and developers of the presence of contamination. If future monitoring occurs and shows that natural attenuation processes have removed the contaminants to state-required cleanup levels, then the properties can be removed from the database.

The state agency will grant closure if the site investigation and monitoring shows that natural attenuation will clean up groundwater to state standards within a reasonable period of time. All state rules for cleanup must be met and the person who is responsible for the contamination must comply with all conditions of the state's closure approval.

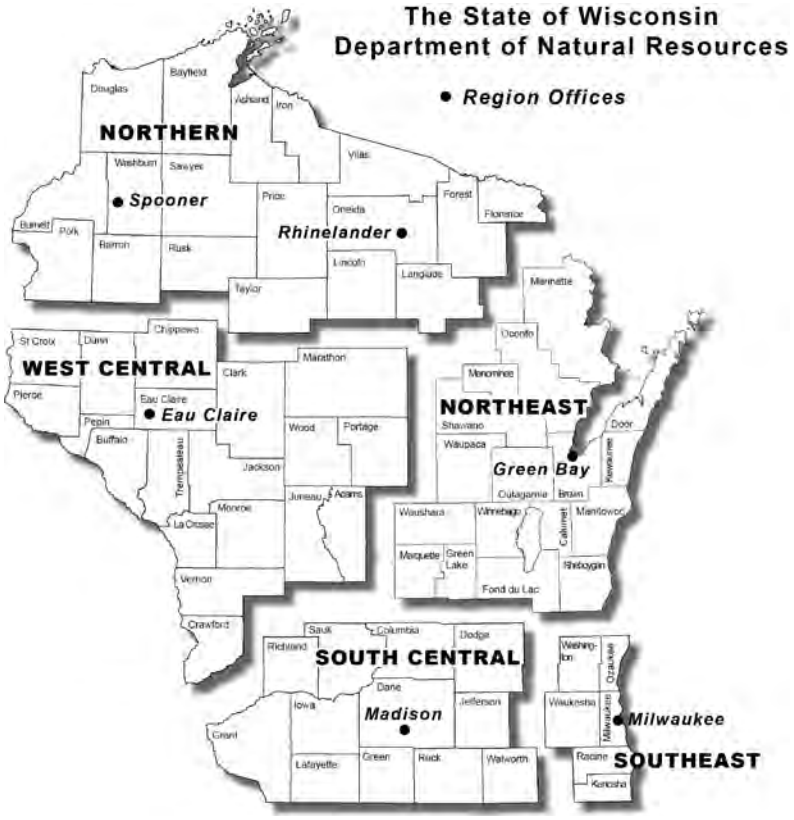
Publications

The following publications provide additional information on natural attenuation. Websites where these can be downloaded free of charge are also listed.

- *A Citizen's Guide to Bioremediation*, September 2012, EPA 542-F-12-003; https://www.epa.gov/sites/production/files/2015-04/documents/a_citizens_guide_to_bioremediation.pdf
- *Commonly Asked Questions Regarding the Use of Natural Attenuation for Petroleum-Contaminated Sites at Federal Facilities*, www.clu-in.org/download/techfocus/na/na-petrol.pdf
- *Monitored Natural Attenuation of Petroleum Hydrocarbons: U.S. EPA Remedial Technology Fact Sheet*, May 1999, EPA 600-F-98-021; www.clu-in.org/download/remed/pet-hyd.pdf
- *Monitored Natural Attenuation of Chlorinated Solvents*, May 1999, EPA 600-F-98-0022; www.clu-in.org/download/remed/chl-solv.pdf
- *Guidance on Natural Attenuation for Petroleum Releases, WI DNR, Bureau for Remediation and Redevelopment*, March 2003, PUB-RR-614; dnr.wi.gov/files/PDF/pubs/rr/RR614.pdf

Contact Information

If you have questions about natural attenuation contact a DNR Environmental Program Associate (EPA) in your local DNR regional office. The EPA can direct you to a project manager.



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

PUB-RR-892
Feb 2014

Wisconsin DNR vapor intrusion quick facts

What is Vapor Intrusion?

Chemicals used in commercial or industrial activities – dry cleaning chemicals, chemical degreasers and petroleum products such as gasoline – are sometimes spilled and leak into nearby soil or groundwater. When this happens, these chemicals may release gases or vapors, which travel from the contaminated groundwater or soil and move into nearby homes or businesses. This is called vapor intrusion.

The process when chemical vapors from contaminated soil or groundwater enter a home or other structure is called vapor intrusion.

Why are these chemical vapors a problem?

The chemicals that cause vapor intrusion are known as volatile organic compounds, or VOCs. Even when spilled into soil or water, these chemicals easily evaporate. They don't cause human health problems when they evaporate into the outside air, but when their vapors move into homes or businesses, they may cause long-term health problems for the people who live or work in those buildings. These vapors are usually odorless and colorless and undetectable without special testing equipment.

Why is vapor intrusion a concern?

Exposure to some chemical gases or vapors can cause an increased risk of adverse health effects. Whether or not a person experiences any health effects depends on several factors, including the amount and length of exposure, the toxicity of the chemical, and the individual's sensitivity to the chemical. When harmful chemical vapor intrusion is the result of environmental contamination, the Wisconsin Department of Natural Resources (DNR) requires that steps be taken to reduce or eliminate exposures which could be harmful to human health.

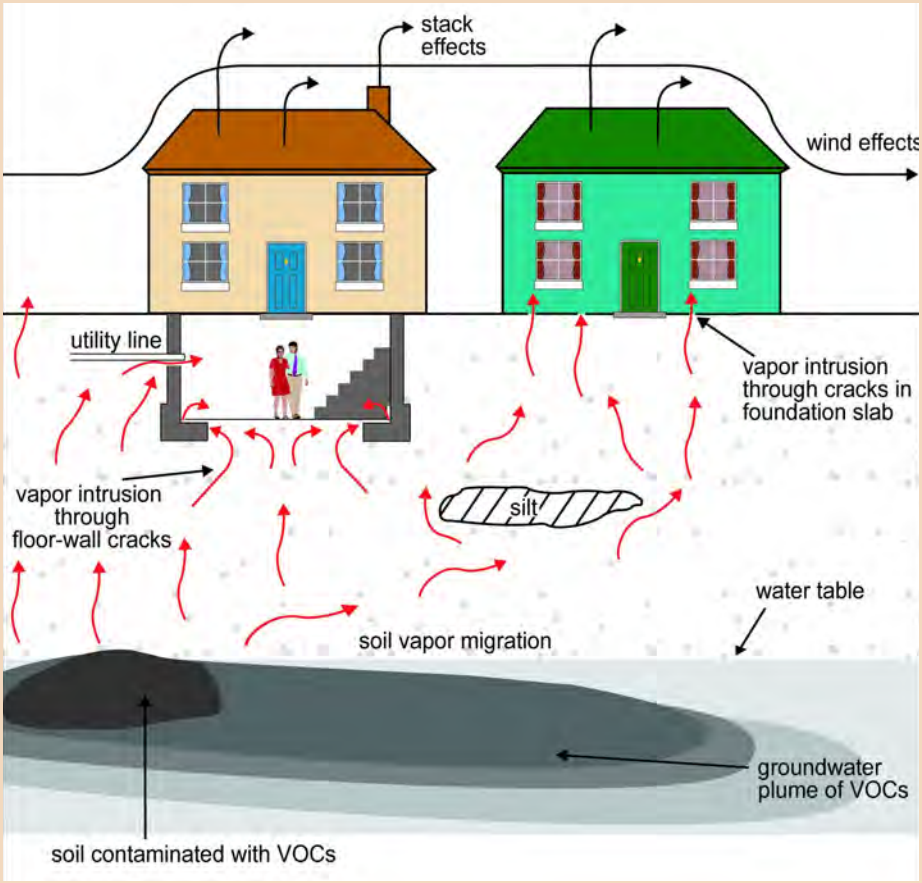
What should I expect if vapor intrusion is suspected near my home or business?

For businesses or other locations where VOC contamination has been found, the DNR requires that the potential for vapor intrusion be investigated. If you live near a site being cleaned up, you may be contacted by the site owner or others working on the cleanup. Your cooperation and consent will be requested before any testing or sampling is conducted on your property. Ask the person contacting you any questions you have about the work being done, or contact the DNR for more information (see DNR contact information on reverse). For more information about testing for vapor intrusion, see DNR-Pub-RR-954, "What to Expect During Vapor Intrusion Sampling."

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search "Brownfields"

How Vapors Enter a Building

If you live near a commercial or industrial facility or landfill where VOCs have entered either the soil or groundwater, there may be a potential for those chemicals to travel as vapors into your home or business. Vapors can enter buildings in various ways, including through cracks in the foundation and openings for utility lines. Building ventilation and weather can influence the extent of vapor intrusion.



Adapted from U.S. Environmental Protection Agency (EPA) graphic.
www.epa.gov/oswer/vaporintrusion/basic.html

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at **dhs.wisconsin.gov** , search "Vapor." For other health-related questions, please contact your local health department: **www.dhs.wisconsin.gov/localhealth**.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at **dnr.wi.gov/topic/Brownfields/Vapor.html**.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at **dnr.wi.gov/topic/Brownfields/Contact.html** or call the RR Program at (608) 266-2111.

Section B: ROW Notification: Residual Contamination and/or Continuing Obligations - Non-DOT ROWs

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

1316 N 14th St., Rm 200
Superior, WI, 54880

Dear Mr. Janigo:

I am providing this notification to inform you of the location and extent of contamination remaining in a right-of-way for which you are responsible, and of certain long-term responsibilities (continuing obligations) for which city of Superior may become responsible. I investigated a release of:
volatile organic compounds (benzene, toluene, ethyl benzene, xylenes) and certain polycyclic aromatic hydrocarbons (PAHs) from the former manufactured gas plant (MGP) site
on 800 Hill Ave, Superior, WI, 54880 that has shown that contamination
remains in the right-of-way for which City of Superior is responsible.
I have responded to the release, and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

You have 30 days to comment on the proposed closure request:

The DNR will not review my closure request for at least 30 days after the date of this letter. As an affected right-of-way holder, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the DNR that is relevant to this closure request, you should mail that information to the DNRcontact: 1701 N. 4th St., Superior, WI, 54880, or at john.sager@wisconsin.gov.

Residual Contamination:

a. ☒ ***Groundwater Contamination:***
Groundwater contamination originated at the property located at: 800 Hill Ave, Superior, WI, 54880 .
The levels of
volatile organic compounds (benzene, toluene, ethyl benzene, xylenes) and certain polycyclic aromatic hydrocarbons (PAHs)
contamination in the groundwater on your property are above the state groundwater enforcement standards found in ch. NR 140, Wis. Adm. Code. The approximate extent of groundwater contamination is shown on Figure 2.

b. ☒ ***Soil Contamination:***
Soil contamination remains at:
the City ROW along E 1st Street beneath and outside of the former MGP gas holder and former Hortonsphere excavation areas at the approximate extent shown in Figure 2 and further described in site documents on the BRRTS website.
The remaining contaminants include :
VOCs (benzene, toluene, ethylbenzene, and xylenes) and polycyclic aromatic hydrocarbons (PAHs)
at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.
investigations of soil and groundwater which identified soil contamination that exceeds ch. NR720 residual contaminant levels (RCLs) and groundwater contamination that exceeds ch. NR 140 enforcement standards (ESs).
SWL&P is planning specific remedial actions in coordination with the DNR to address certain areas of soil and groundwater contamination.

If residual soil or groundwater contamination is likely to affect water collected in a pit/trench that requires dewatering, a general permit for Discharge of Contaminated Groundwater from Remedial Action Operations may be needed. If you or any other person plan to conduct utility or building construction for which dewatering will be necessary, you or that person must contact the DNR's Water Quality Program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at http://dnr.wi.gov/topic/wastewater/GeneralPermits.html.

c. ☒ ***Vapor Intrusion:***

Remaining contamination in soil and/or groundwater at this site may contribute to the potential for vapor intrusion. Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building. The following fact sheet (RR 892, RR 892, "Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property") has been included with this notification to help explain vapor intrusion and the use of vapor mitigation systems. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR892.pdf

Attach a copy of factsheet RR 892.

Continuing Obligations on the Right-of-Way (ROW) : As part of the response actions, I am proposing that the following continuing obligations be used at the affected ROW. If my closure request is approved, you will be responsible for the following continuing obligations:

Select the applicable obligations per affected ROW.

a. ☒ ***Residual Soil Contamination:***

If soil is excavated from the areas with residual contamination, the right-of-way holder at the time of excavation will be responsible for the following:

- determine if contamination is present,
- determine whether the material would be considered solid or hazardous waste,
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. Contaminated soil may be managed in-place, in accordance with s. NR 718, Wis. Adm. Code, with prior Department approval.

The right-of-way holder needs to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans from ingestion, inhalation or dermal contact.

Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor migration of contaminants into enclosed structures or migration along newly placed underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

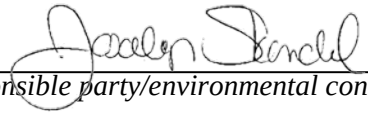
b. ☐ Monitoring well needs to be abandoned if located

Well Construction Requirements:

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at https://dnr.wi.gov/topic/Brownfields/WRRD.html. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. The property owner needs to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. A well driller can help complete this form. The well construction application, form 3300−254, is on the internet at https://dnr.wi.gov/files/PDF/forms/3300/3300-254.pdf

If you have any questions regarding this notification, I can be reached at: (715) 395-6234 ,
jskandel@swlp.com .



Signature of responsible party/environmental consultant for the responsible party	Date Signed 04/26/2022

Attachments (third page of form)

Contact Information

Legal Description for each Parcel:

List of Attachments

Attachment A: Contact Information

Attachment B: Parcel Legal Description

Attachment C: Maps

- Figure 1
- Figure 2
- Drawing A-4

Attachment A

Contact Information

The affected property is:

- ○ the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ○ a deeded property affected by contamination from the source property
- ◉ a right-of-way (ROW)
- ○ a Department of Transportation (DOT) ROW

Include this completed page as an attachment with all notifications provided under sections A and B.

Contact Information

Responsible Party: The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name: Superior Water, Light, & Power (SWL&P)

Contact Person Last Name	First	MI	Phone Number (include area code)
Skandel	Joscelyn	A	(715) 395-6234

Address	City	State	ZIP Code
2915 Hill Ave	Superior	WI	54880

E-mail: jskandel@swlp.com

Name of Party Receiving Notification:

Business Name, if applicable: City of Superior

Title	Last Name	First	MI	Phone Number (include area code)
Mr.	Janigo	Todd		(715) 395-7334

Address	City	State	ZIP Code
1316 N 14th St., Rm 200	Superior	WI	54880

Site Name and Source Property Information:

Site (Activity) Name: Superior Water Light & Power Manufactured Gas Plant (MGP)

Address	City	State	ZIP Code
800 Hill Ave	Superior	WI	54880

DNR ID # (BRRTS#)	(DATCP) ID #
02-16-275446	

Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

Environmental Consultant: Foth Infrastructure & Environment, LLC (Foth)

Contact Person Last Name	First	MI	Phone Number (include area code)
Hughes	Erin	C	(920) 412-8594

Address	City	State	ZIP Code
2121 Innovation Court, Suite 300	De Pere	WI	54115

E-mail: erin.hughes@foth.com

Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

Department of: Natural Resources (DNR) Office: Superior

Address	City	State	ZIP Code
1701 N. 4th St.	Superior	WI	54880

Contact Person Last Name	First	MI	Phone Number (include area code)
Sager	John	E	(715) 919-7239

E-mail (Firstname.Lastname@wisconsin.gov): john.sager@wisconsin.gov

Attachment B

Parcel Legal Description

Legal Property Description
City of Superior, Wisconsin

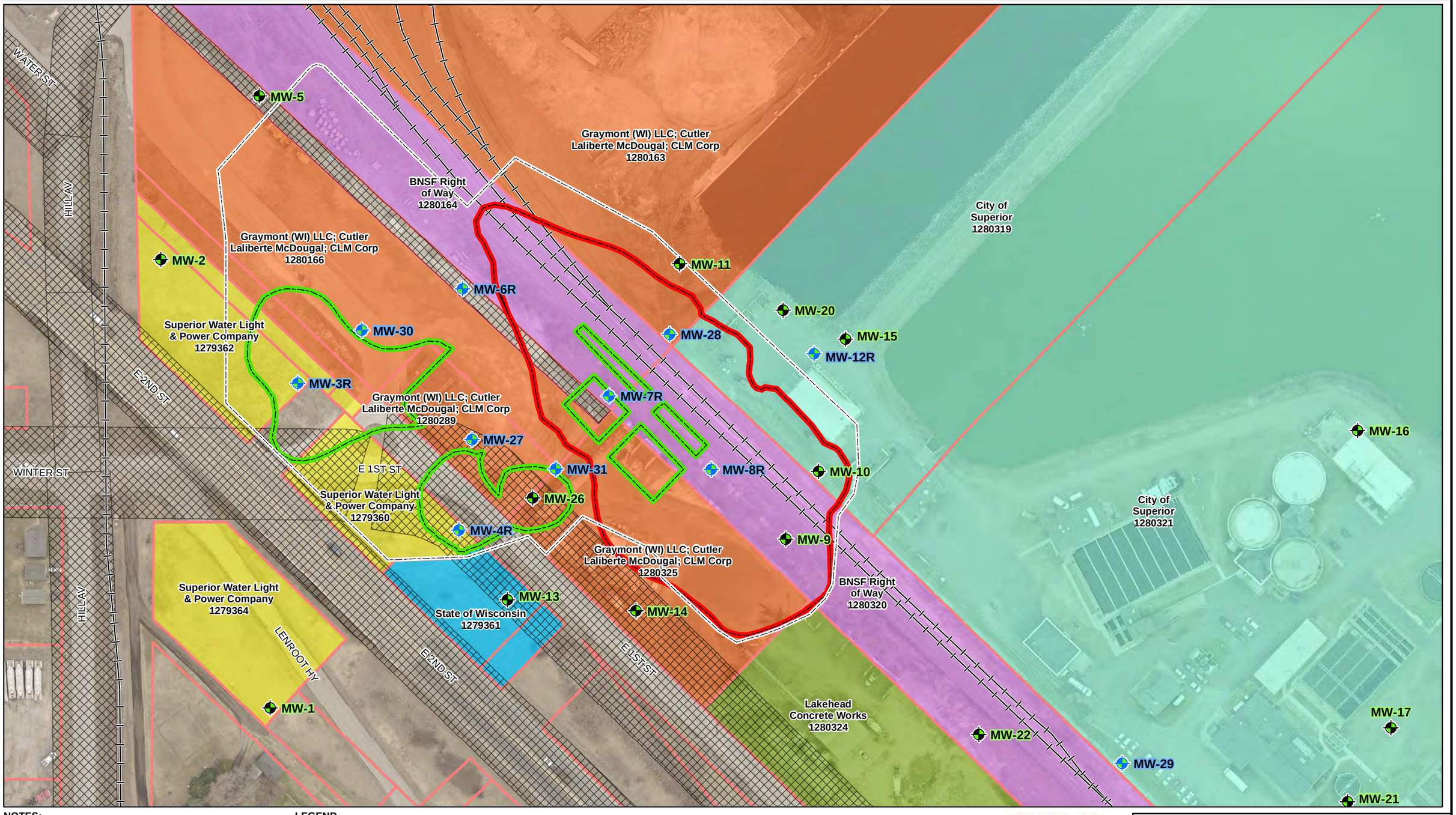
Owner	Parcel ID	Address Per Douglas County	Abbreviated Legal Description
City of Superior	1280319/02-802-07101-00	Vacant	LAND PART OF GOVT LOT 2 SEC 13 TP 49 R 14 BEG AT A POINT ON THE NE'LY LINE OF WATER ST ROYS ADD TO SUPERIOR CITY 130 FT SE'LY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SE'LY LINE OF C ST WITH NE'LY LINE OF WATER ST,THENCE ON A LINE PARALLEL WITH SE'LY LINE OF C ST PRODUCED TO THE ESTABLISHED DOCK LINE IN THE BAY OF SUPERIOR, THENCE NW ALONG SAID DOCK LINE 300 FT, THENCE SW'LY ON A LINE PARALLEL WITH SE'LY LINE OF C ST PRODUCED TO NE'LY LINE OF WATER ST, THENCE SE'LY ALONG NE'LY LINE OF SAID WATER ST TO BEG, EXCEPT NP R/W & SUBJ TO SLIP AGREEMENT VOL 2 OF AGREEMENTS PAGE 242, EXC PART CONV 230D235 67-11 333-505
	1280321/02-802-07102-00	Vacant	DOCK PROPERTY BEG AT A POINT IN NE'LY LINE OF WATER ST ROYS ADD TO SUP CITY 130 FT SE'LY FROM THE CORNER FORMED BY THE INTERSECTION OF THE S'LY LINE OF C ST WITH NE'LY LINE OF WATER ST, THENCE SE'LY ALONG NE'LY LINE OF WATER ST TO ITS INTERSECTION WITH S'LY LINE OF E ST IN SAID ROYS ADDN, THENCE SW'LY ALONG SAID S'LY LINE OF E ST TO NE'LY LINE OF BAY ST IN SAID ROYS ADDN, THENCE SE'LY ALONG SAID NE'LY LINE OF BAY ST ABOUT 216 FT (516 FT?) TO A POINT WHICH IS THE CENTER OF THE SW'LY END OF LOT 3 BL 11 SUPR CITY, THENCE NE'LY AT RIGHT ANGLES TO NE'LY LINE OF BAY ST TO A POINT DISTANT 60 FT SW'LY FROM N P R/W, THENCE NW'LY IN A STRAIGHT LINE TO A POINT IN THE SW'LY LINE OF R/W OF SAID N P RY CO WHICH POINT IS 440 FT NW'LY FROM THE N & S CENTERLINE OF SAID LOT 3 BL 11, THENCE SE'LY ALONG SW'LY LINE OF SAID R/W 440 FT TO SAID N & S CENTERLINE OF SAID LOT 3 BL 11, THENCE NE'LY AT RIGHT ANGLES TO NE'LY LINE OF SAID BAY ST TO THE ESTABLISHED DOCK LINE IN BAY OF SUP, THENCE NW'LY ALONG SAID ESTABLISHED DOCK LINE TO A POINT 130 FT SE'LY FROM SE'LY LINE OF C ST ROYS ADDN PRODUCED MEASURED AT RT ANGLES TO SAID PRODUCED LINE, THENCE SW'LY AT RT ANGLES TO NE'LY LINE OF WATER ST TO BEG, SUBJ TO N P R/W & SO CALLED CONAN SLIP AGREEMENT DATED MARCH 31, 1896 SUBJ TO F ST DEDICATED 5/9/1922 EXC THAT PART RECORDED IN 265-315 AND 385-277, AND EXC PART CONV IN VOL 400 PAGES 636,637 & 638, AND EXC PART CONV IN #829763/#828798 (PCL 2-05928). SAID PARCEL CONTAINS 37.998 AC M/L
	City ROW	Vacant	City of Superior has confirmed this is an unplatted alley.

Notes:
R/W = Right-Of-Way
DOT= Department of Transportation

Attachment C

Maps

Figure 1
Figure 2
Drawing A-4



NOTES:

1. 2016 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Parcels supplied by Douglas County GIS.
4. Based on conversation with the City of Superior, the strip of land between BNSF parcel 1280164 and Graymont Parcel 1280166 is unplotted land that is considered a City of Superior Right of Way.

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

LEGEND

- Proposed Monitoring Well
- Existing Monitoring Well
- Limits of Construction
- Excavation Area
- Biosparge/SVE Area
- Railroad
- City of Superior Right of Way
- Tax Parcel

Property Owner

- BNSF Right of Way
- City of Superior
- Graymont (WI) LLC; Cutler Laliberte McDougal; CLM Corp
- Lakehead Concrete Works
- Superior Water Light & Power Company
- State of Wisconsin

SWL&P

Foth

N

0 50 100 Feet

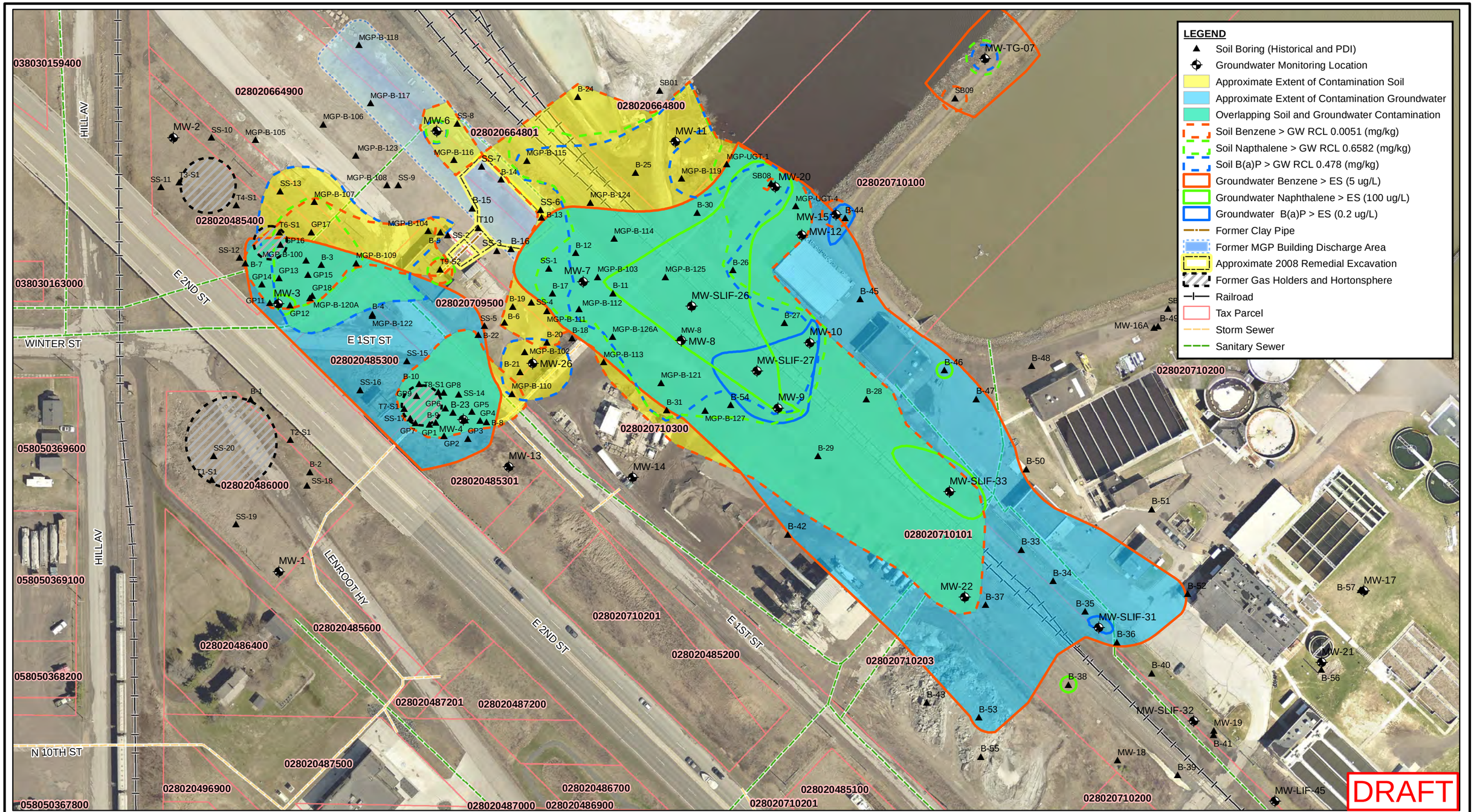
SUPERIOR WATER, LIGHT & POWER

FIGURE 1

LIMITS OF CONSTRUCTION AND AFFECTED PROPERTY OWNERS SUPERIOR, WISCONSIN

Date: JANUARY 2022	Revision Date:	
Drawn By: DAT	Checked By: ERH	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Cont Ob Form 4400\Figure 1 - Limits of Construction and Affected Property Owners.mxd Date: 1/27/2022



NOTES:

1. 2019 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Groundwater impacts were estimated based on the maximum concentration observed between the April 2017 and July 2020 (PDI) monitoring events. The extent of groundwater contamination is delineated as exceedances of the WDNR NR 140 Enforcement Standard (ES).
4. Soil impacts were estimated from historical and PDI sample data. The extent of soil contamination is delineated as exceedances of the WDNR. Industrial soil direct-contact RCL for soil 0-4 ft bgs or soil to groundwater protection RCL for soil >4 ft bgs.
5. Parcels supplied by Douglas County GIS.

Industrial Soil D-C RCL
- Benzene <7.07 mg/kg
- Naphthalene <24.1 mg/kg
- Benzo(a)pyrene <2.11 mg/kg

Soil to Groundwater Protection RCL
- Benzene <0.0051 mg/kg
- Naphthalene <0.6582 mg/kg
- Benzo(a)pyrene <0.478 mg/kg

0 50 100 Feet

N

SUPERIOR WATER, LIGHT & POWER

FIGURE 2

APPROXIMATE EXTENT OF COMBINED SOIL AND GROUNDWATER CONTAMINATION SUPERIOR, WISCONSIN

Date: APRIL 2022	Revision Date:	
Drawn By: SGL	Checked By: BDS1	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Cont Ob Form 4400\Figure 2 - Approximate Extent of Combined Soil and Groundwater Contamination.mxd Date: 4/13/2022

153,800 E
154,000 E
154,200 E
154,400 E
154,600 E
308,600 N
308,400 N
308,200 N
308,000 N
307,800 N
N
BNSF
LIMITS OF CONSTRUCTION
TEMPORARY FENCING (UNTIL CONSTRUCTION COMPLETION) SEE DETAIL 5 A-7
VENTED PILE LAYOUT
20' ENTRY GATE
TWTS
SOIL PILES
PERMANENT CHAIN LINK FENCING SEE DETAIL 5 A-7
EXCAVATION 3 AREA
FORMER GAS HOLDER
SWL&P
GATE
BIOSPARGE/SVE AIR EQUIPMENT AREA
SOIL PILES
GRAYMONT PARKING
5 FRAC TANKS FOR TEMP WATER STORAGE
EXCAVATION 1 AREA
JACK AND BORE SVE/BIOSPARGE PIPING
REPLACE EXISTING GATES WITH 20' ENTRY GATES SEE DETAIL 5 A-7
EXISTING FENCING (REMOVE AND REPLACE)
FORMER HORTON-SPHERE
E 2ND ST.
EXCAVATION 2 AREA
CONTRACTOR STAGING AREA
E 1ST ST
BIOSPARGE AREA
ARROWHEAD CONCRETE
CITY OF SUPERIOR

LEGEND

- BOAT SLIP BOUNDARY
- EXISTING BUILDING
- FENCE
- GROUND SURFACE ELEVATION
- PROPERTY BOUNDARY
- STORM SEWER PIPE
- SANITARY SEWER PIPE
- FIBER OPTIC
- RAILROAD
- EXISTING ROADWAYS
- IMPERVIOUS AREA LIMIT
- LIMITS OF CONSTRUCTION
- TEMPORARY FENCING
- 2008 EXCAVATION AREA
- EXCAVATION AREA
- MW-11 MONITORING WELL
- BIOSPARGE AREA
- WASTEWATER TREATMENT PLANT (WWTP) PIPE
- DEWATERING WELL
- HORIZONTAL SVE PIPE
- BIOSPARGE LATERAL PIPE AND WELL
- SVE AND BIOSPARGE MAIN HEADER PIPE
- BNSF PROPERTY
- CONTRACTOR STAGING AREA
- GRAYMONT PARKING AREA
- FRAC TANK
- VENTED PILE AREA
- TWTS AREA
- VENTED PIPING AREA

NOTES:

1. HORIZONTAL COORDINATE SYSTEM: NAD 1983 DOUGLAS COUNTY, UNITS IN FEET.
2. 2016 - 3" RESOLUTION AIR PHOTO FROM DOUGLAS COUNTY.
3. STORM AND SANITARY DATE SUPPLIED BY DOUGLAS COUNTY GIS.
4. ELECTRIC, GAS AND WATER DATASETS SUPPLIED BY SUPERIOR WATER, LIGHT & POWER.
5. SEE DRAWING B-1 FOR PLACEMENT OF TEMPORARY CONSTRUCTION FENCING DURING EXCAVATION

Foth
Foth Infrastructure & Environment, LLC
2121 Innovation Court, Suite 100
P.O. Box 5095
De Pere, WI 54115-5126
Phone: 920-497-2600

SWL&P

UPLAND AREA REMEDIAL ACTION DESIGN DRAWINGS FOR THE FORMER MGP SITE

SUPERIOR WATER, LIGHT & POWER

WISCONSIN

DOUGLAS COUNTY

REVISIONS:

NO.	DESCRIPTION	DATE	BY
1			
2			
3			
4			

RECORD DRAWING OF COMPLETED CONSTRUCTION BY: _____

RECORD DRAWINGS OF COMPLETED CONSTRUCTION CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS. DATE _____ BY _____

DATE OF PREPARATION

	BY	DATE
SURVEYED		
DRAWN	JOW	JANUARY 2022
DESIGNED		
CHECKED	BDS1	JANUARY 2022

SITE LAYOUT PLAN

HORIZONTAL SCALE:
0 50' 100'

PROJECT ID: 18S024

A-4

DRAFT

$FILE$
$$DAT$$$$

From: UPS
To: Susan Romans (ALLETE)
Subject: [EXTERNAL MAIL] UPS Delivery Notification, Tracking Number 1Z5609240175269923
Date: Thursday, May 5, 2022 10:04:11 AM

Hello, your package has been delivered.

Delivery Date: Thursday, 05/05/2022
Delivery Time: 9:59 AM
Left At: INSIDE DELIV
Signed by: TODD

MN POWER HEADQUATERS

TRACKING NUMBER: CITY OF SUPERIOR

Tracking Number:	**1Z5609240175269923**
Ship To:	CITY OF SUPERIOR 1316 N 14TH ST ROOM 200 SUPERIOR, WI 54880 US
Number of Packages:	1
UPS Service:	UPS Next Day Air®
Package Weight:	1.0 LBS
Reference Number:	0960-2325310-4420

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Read Compass Online

Download the UPS mobile app

SW&P
AN ALLETE COMPANY

May 4, 2022

Via UPS Overnight Delivery and Electronic Mail
GRAYMONT (WI) LLC
Attn: Phillip Marquis
800 Hill Avenue
Superior, WI 54880
E-mail: pmarguis@graymont.com

Dear Mr. Marquis:

Attached for your review is a copy of the Notification of Continuing Obligations ("Notification") related to the former MGP site. The attached Notification is a revision of the version that was sent to you in November, 2021.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Jamie Mehle
Supervising Engineer

JM:sr
Enc.

Section A: Deeded Property Notification: Residual Contamination and/or Continuing Obligations

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

address of party receiving notification

800 Hill Avenue
Superior, WI, 54880

Dear Mr. Marquis:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible.
I have investigated a release of:
certain contaminants (as described below) from the former manufactured gas plant (MGP) site
on 800 Hill Ave, Superior, WI, 54880 that has shown that contamination has migrated onto your property.
I have responded to the release and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

You have 30 days to comment on the attached legal description of your property and on the proposed closure request:

Please review the enclosed legal description of your property, and notify Erin Hughes at 2121 Innovation Court, Suite 300, De Pere, WI, 54115 within the next 30 days if the legal description is incorrect.

(attach the legal description for each parcel; legal descriptions are not required for rights-of-way)

The DNR will not review my closure request for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information that is relevant to this closure request, or if you want to waive the 30 day comment period, you should mail that information to the DNR contact: 1701 N. 4th St., Superior, WI, 54880, or at john.sager@wisconsin.gov.

Your Long-Term Responsibilities as a Property Owner and Occupant:
The responses included
investigations of soil and groundwater which identified soil contamination that exceeds ch. NR720 residual contaminant levels (RCLs) and groundwater contamination that exceeds ch. NR 140 enforcement standards (ESs). SWL&P is planning specific remedial actions in coordination with the DNR to address certain areas of soil and groundwater contamination. For some time, there will be a continued need to leave monitoring wells on the property and for the owner to provide SWL&P access to them for sampling. Because of potential structural impediments (i.e., gravel stockpile, sewer piping, etc.), there are continuing obligations of the owner to leave those areas undisturbed or, if necessary to disturb those areas, to take actions to protect the environment and employees.
The continuing obligations I am proposing that affect your property are listed below, under the heading **Continuing Obligations**. Under s. 292.12 (5), Wis. Stats., current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approved closure.

The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Attach a copy of factsheet RR 819

Contract for responsibility for continuing obligation:
Before I request closure, I will need to inform the DNR as to whom will be responsible for the continuing obligation/s on your property.
SWL&P is conducting the Remedial Action (RA). These actions will in part be conducted on the owner property (see Drawing A-4). Additional obligations of the owner include protection of RA facilities and requirements to avoid contact with impacted soil, groundwater, and air that will be cleaned up to levels below performance standards during the RA.

Continued obligations of the owner after RA construction completion may include restrictions on groundwater use, limitations and guidance on soil disturbance, obligations relative to structural impediments, and industrial land use limitations.
Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to comply with the requirements of the final closure letter. If you need more time to finalize an agreement on the responsibility for the continuing obligations on your Property, you may request additional time from the DNR contact identified in **Contact Information.**

(Note: Future property owners would need to negotiate a new agreement.)

Remaining Contamination:

a. ☒ ***Soil Contamination:***

Soil contamination remains at :
Beneath and outside of the former MGP gas holder, Hortonsphere , and disharge areas at the approximate extent shown in Figure 2 and further described in site documents on the BRRTS website.
The remaining contaminants include:
VOCs (benzene, toluene, ethylbenzene, and xylenes) and polycyclic aromatic hydrocarbons (PAHs)

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.
SWL&P will excavate soil, install a biosparge and SVE system, and treat resulting air emissions. At depths less than 4 ft, soil exceeding the industrial shallow soil direct-contact RCLs will be excavated. At depths greater than 4 ft, soil with benzene greater than 5 mg/kg will be excavated from the former MGP gas holder and former Hortonsphere areas. Certain soil with elevated PAH concentrations in the former MGP discharge area will be excavated. This excavation will remove a significant amount of chemical mass prior to further in-place treatment using biosparging, soil vapor extraction, and air treatment. Despite significant source removal and treatment, some residual contaminants will remain in soil above NR 720 RCLs.

b. ☒ ***Groundwater Contamination:***

Groundwater contamination originated at the property located at 800 Hill Ave, Superior, WI, 54880 .
Contaminated groundwater has migrated onto your property at:
Superior, WI [No Street Address]; Tax Parcels 1280163, 1280166, 1280289, 1280325; Approximate extent of groundwater contamination shown on Figure 2 and further described in site documents on the BRRTS website.
The levels of
volatile organic compounds (benzene, toluene, ethyl benzene, xylenes) and certain polycyclic aromatic hydrocarbons (PAHs)
contamination in the groundwater on your property are above the state groundwater enforcement standards found in ch. NR 140, Wis. Adm. Code.

c. ☒ However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation, or the breakdown of contaminants in groundwater due to naturally occurring processes, to complete the cleanup at this site will meet the case closure requirements of ch. NR 726, Wis. Adm. Code. As part of my request for case closure, I am requesting that the DNR accept natural attenuation as the final remedy for this site.

The following DNR fact sheet (RR 671, "What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater") has been included with this notification, to help explain the use of natural attenuation as a remedy. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR671.pdf. Attach a copy of factsheet RR 671.

d. ☒ ***Vapor Intrusion:***

Remaining contamination in soil and/or groundwater at this site is contributing to the intrusion of vapors at your property, or to the potential for vapor intrusion. Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building. The following DNR fact sheet (RR 892, "Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property") has been included with this notification to help explain vapor intrusion and the use of vapor mitigation systems. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR892.pdf Attach a copy of factsheet RR 892.

At your property at: 800 Hill Ave, Superior, WI, 54880
the levels of benzene
are above vapor risk action levels, beneath the foundation on your property.

Continuing Obligations on Your Property: As part of the cleanup, I am proposing that the following continuing obligations be used at your property, to address future exposure to residual contamination. If my closure request is approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR. See **Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed, to protect the water supply.

a. ☒ ***Residual Soil Contamination:***

If soil is excavated from the areas with residual contamination, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present
- determine whether the material would be considered solid or hazardous waste
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in-place, in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

b. ☐ Need to abandon monitoring wells

c. ☒ ***Continued Sampling of Monitoring Wells:***

MW-11, MW-28, MW-30, MW-26, MW-27, MW-31, MW-14 (SEE FIGURE 1) . *Attach a well location map.*

d. ☐ A cover/engineered cover has been used as a remedial action

e. ☒ ***Use of Industrial Soil Standards:***

Industrial soil standards have been applied for the cleanup of this site. If closure is approved, notification of the DNR will be required if the property changes from industrial use, and additional investigation and remediation may be required at that time.

f. ☒ ***Use of a Structural Impediment:***

A structural impediment other remains on the property, which inhibited a complete investigation and cleanup. If and when this structural impediment is removed, additional investigation will be required, and further cleanup may be necessary.

g. ☐ Vapor mitigation system needs to be operated and maintained

h. ☐ Vapor - Dewatering system needs to be operated and maintained

i. ☐ Vapor - Compounds of concern are still in use

j. ☒ ***Vapor: Commercial or Industrial Use of Property:***

The closure request is based on this property being used for commercial or industrial purposes, using site-specific vapor exposure assumptions. If closure is approved, notification of the DNR will be required before changing the use of the property. Additional investigation and remediation may be required at that time.

k. ☒ ***Vapor: Future Actions to Address Vapor Intrusion:***

While vapor intrusion does not currently exist, if a building is constructed on this property, or reconstructed, or if use of a building is changed to a residential-type use, vapor intrusion may become an issue. If closure is approved, notification of the DNR will be required before construction of a building or changing the use of an existing building to residential occupancy. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time.

l. ☐ Site specific condition based on discussion with Department

Maintenance and Audits of Continuing Obligations:

If compliance with a maintenance plan is required as part of a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR. Submittal of the inspection log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain the continuing obligation and to document that maintenance in the inspection log. Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

Well Construction Requirements:

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at https://dnr.wi.gov/topic/Brownfields/WRRD.html. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. The property owner needs to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. A well driller can help complete this form. The well construction application, form 3300−254, is on the internet at https://dnr.wi.gov/files/PDF/forms/3300/3300-254.pdf.

Site Closure:

If the DNR grants closure, you will receive a letter which defines the specific continuing obligations on your property. The status of the site (open or closed) may also be checked by searching BRRTS on the Web. You may view or download a copy of the closure letter (sent to the responsible party) from BRRTS on the Web. You may also request a copy of the closure letter from the **responsible party** or by writing to the DNR contact, at John Sager, john.sager@wisconsin.gov, (715) 919-7239 . The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

If you have any questions regarding this notification, I can be reached at: (715) 395-6234 , jskandel@swlp.com .

Jaclyn Skandel

Signature of responsible party/environmental consultant for the responsible party

Date Signed 04/22/2022

Attachments (third page of form)

Contact Information

Legal Description for each Parcel:

Maps:

Maintenance plan

Factsheets:

RR 819, Continuing Obligations for Environmental Protection

c) Natural Attenuation

☒ RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

d) Vapor Intrusion

☒ RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

List of Attachments

Attachment A: Contact Information

Attachment B: Parcel Legal Description

Attachment C: Maps

- Figure 1
- Figure 2
- Drawing A-4

Attachment D: Factsheets

- RR 819, Continuing Obligations for Environmental Protection
- RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater
- RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

Attachment A

Contact Information

The affected property is:

- ○ the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ◉ a deeded property affected by contamination from the source property
- ○ a right-of-way (ROW)
- ○ a Department of Transportation (DOT) ROW

Include this completed page as an attachment with all notifications provided under sections A and B.

Contact Information

Responsible Party: The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name: Superior Water, Light, & Power (SWL&P)

Contact Person Last Name	First	MI	Phone Number (include area code)
Skandel	Joscelyn	A	(715) 395-6234

Address	City	State	ZIP Code
2915 Hill Ave	Superior	WI	54880

E-mail: jskandel@swlp.com

Name of Party Receiving Notification:

Business Name, if applicable: Graymont (WI) LLC

Title	Last Name	First	MI	Phone Number (include area code)
Mr.	Marquis	Phil		(715) 394-1711

Address	City	State	ZIP Code
800 Hill Avenue	Superior	WI	54880

Site Name and Source Property Information:

Site (Activity) Name: Superior Water Light & Power Manufactured Gas Plant (MGP)

Address	City	State	ZIP Code
800 Hill Ave	Superior	WI	54880

DNR ID # (BRRTS#)	(DATCP) ID #
02-16-275446	

Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

Environmental Consultant: Foth Infrastructure & Environment, LLC (Foth)

Contact Person Last Name	First	MI	Phone Number (include area code)
Hughes	Erin	C	(920) 412-8594

Address	City	State	ZIP Code
2121 Innovation Court, Suite 300	De Pere	WI	54115

E-mail: erin.hughes@foth.com

Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

Department of: Natural Resources (DNR) Office: Superior

Address	City	State	ZIP Code
1701 N. 4th St.	Superior	WI	54880

Contact Person Last Name	First	MI	Phone Number (include area code)
Sager	John	E	(715) 919-7239

E-mail (Firstname.Lastname@wisconsin.gov): john.sager@wisconsin.gov

Attachment B

Parcel Legal Description

Legal Property Description
Graymont (WI) LLC

Owner	Parcel ID	Address Per Douglas County	Abbreviated Legal Description
Graymont (WI) LLC	1280163/02-802-06648-00	Hill Ave	SWEETSER DIV LOTS 1 TO 7 BL 504 & ALL OF HILL AVE VAC. ABUTTING LOTS 5 & 6, EXCEPT PART CONV TO HURON PORTLAND CEMENT CO (NOW KNOWN AS LAFARGE CORP) (2-6647A) EXC PARCEL CONV IN 541-145. 13.37 AC M/L
	1280166/02-802-06649-00	Vacant	SWEETSER DIV LOTS 1 TO 8 INCL BL 505 & WATER ST VAC
	1280289/02-802-07095-00	800 Hill Ave	A PIECE OF LAND IN ROY'S ADD SUP CITY BEG AT THE INTERSECTION OF THE NE'LY LINE OF WATER ST IN SAID ROYS ADD ON THE SE'LY LINE OF B ST IN SAID ROYS ADDN THEREON PRODUCED, RUNNING THENCE NE'LY ALONG SAID PRODUCED LINE 81 FT, THENCE SE'LY PARALLEL WITH SAID WATER ST 200 FT,THENCE SW ON A LINE DRAWN AT RT ANGLES TO CENTER LINE OF SAID WATER ST 81 FT TO NE'LY LINE OF SAID WATER ST, THENCE NW'LY ALONG SAID NE'LY LINE OF SAID WATER ST 200 FT TO BEG .372 A (SEE 2-7103) 378-217
	1280325/02-802-07103-00	Vacant	THAT PART OF GOVT LOT 2 IN SEC 13-49-14 BEG AT A POINT ON NE'LY LINE OF WATER ST ROYS ADD TO SUPERIOR CITY 130 FT SE'LY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SE'LY LINE OF C ST WITH NE'LY LINE OF WATER ST THNCE NE'LY ON A LINE PARALLEL WITH THE SE'LY LINE OF C ST PRODUCED 160 FT THNCE AT A RT ANGLE NW'LY & PARALLEL WITH NE'LY LINE OF WATER ST FOR A DISTANCE OF 300 FT THNCE SW'LY ON A LINE PARALLEL WITH SE'LY LINE OF C ST PRODUCED FOR A DISTANCE OF 160 FT TO NE'LY LINE OF WATER ST THNCE SE'LY ALONG NE'LY LINE OF WATER ST TO PLACE OF BEG 1.102 ACRES

Notes:

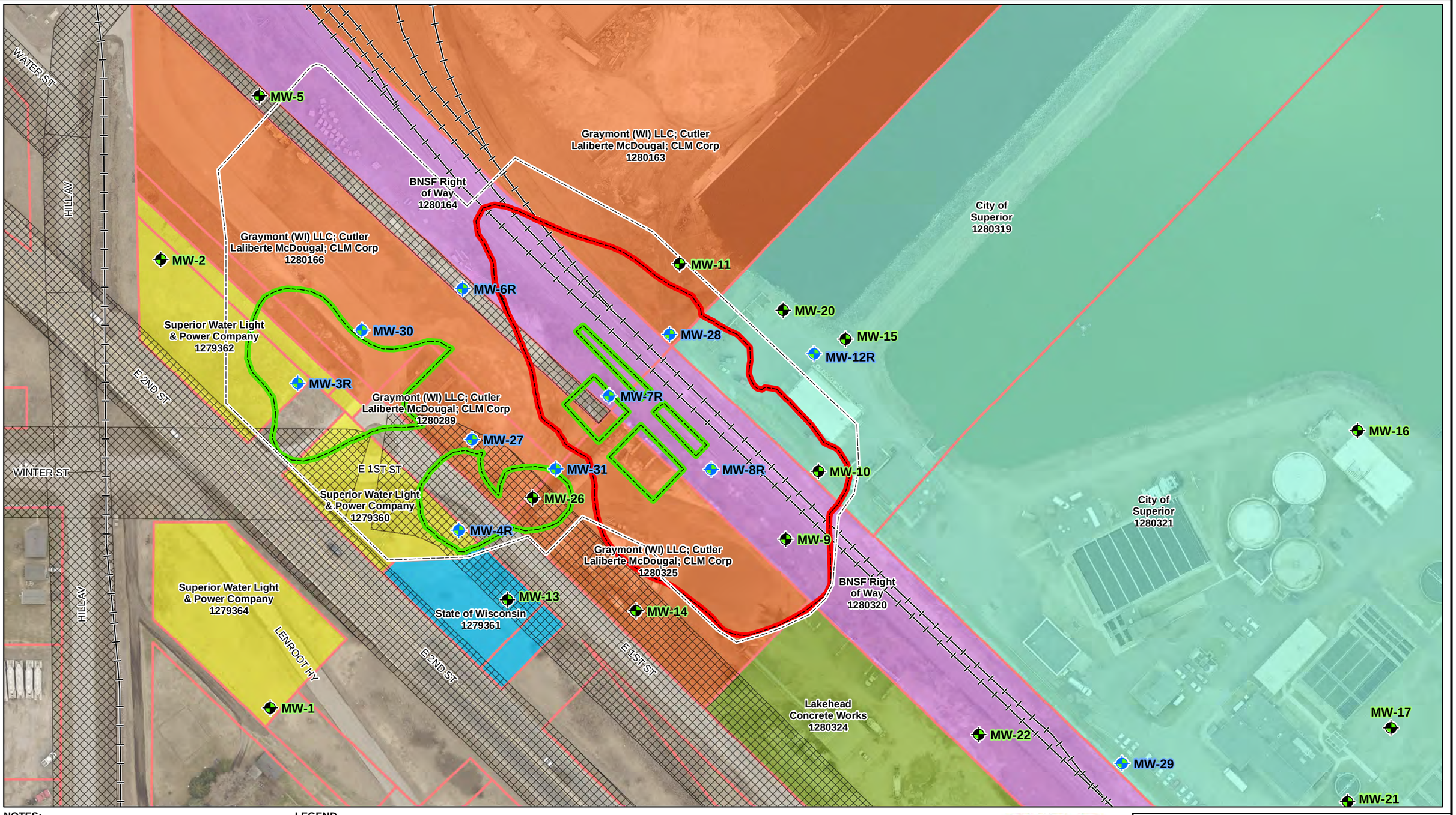
R/W = Right-Of-Way

DOT= Department of Transportation

Attachment C

Maps

Figure 1
Figure 2
Drawing A-4



NOTES:

1. 2016 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Parcels supplied by Douglas County GIS.
4. Based on conversation with the City of Superior, the strip of land between BNSF parcel 1280164 and Graymont Parcel 1280166 is unplotted land that is considered a City of Superior Right of Way.

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

LEGEND

- Proposed Monitoring Well
- Existing Monitoring Well
- Limits of Construction
- Excavation Area
- Biosparge/SVE Area
- Railroad
- City of Superior Right of Way
- Tax Parcel

Property Owner

- BNSF Right of Way
- City of Superior
- Graymont (WI) LLC; Cutler Laliberte McDougal; CLM Corp
- Lakehead Concrete Works
- Superior Water Light & Power Company
- State of Wisconsin

SWL&P

Foth

N

0 50 100 Feet

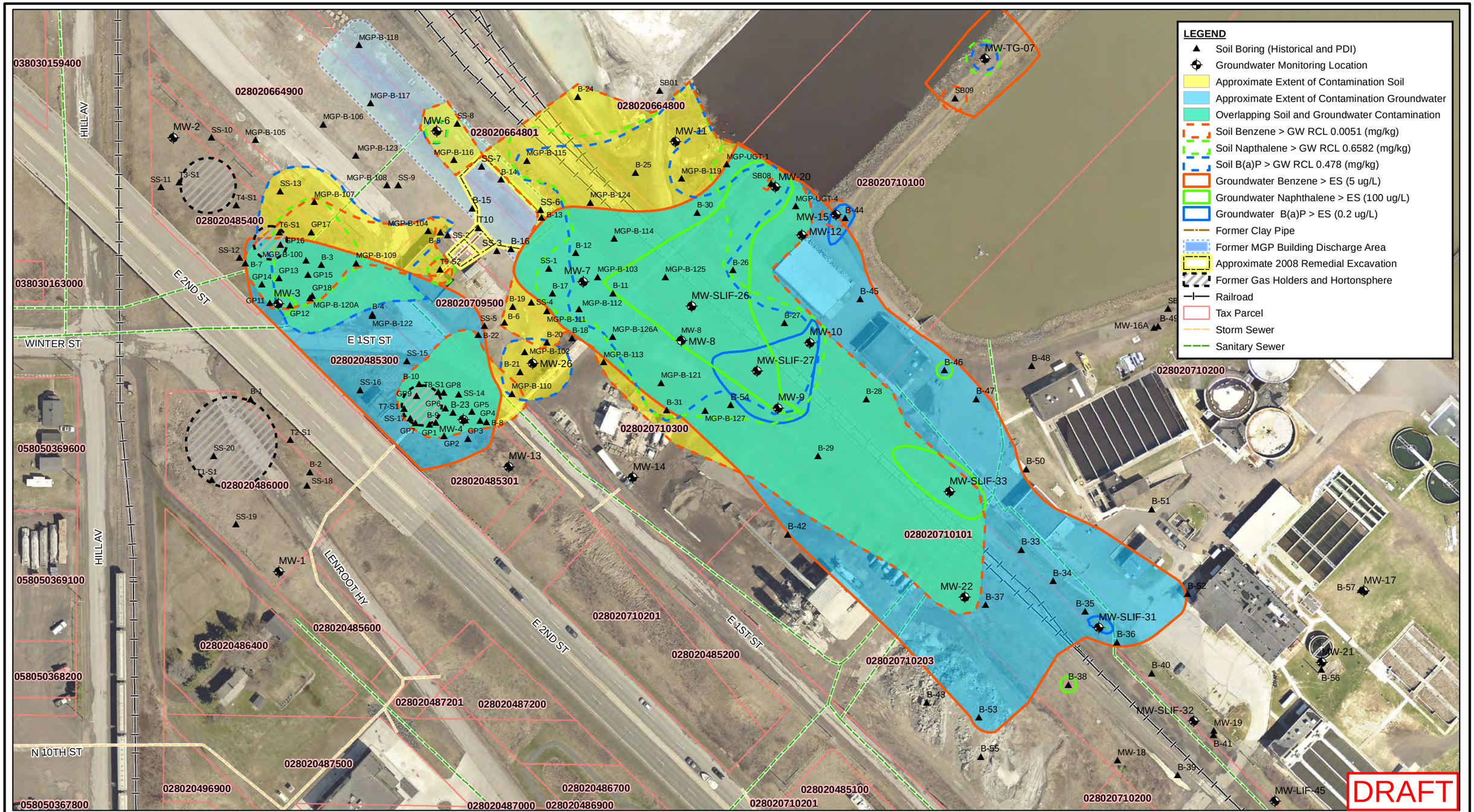
SUPERIOR WATER, LIGHT & POWER

FIGURE 1

LIMITS OF CONSTRUCTION AND AFFECTED PROPERTY OWNERS SUPERIOR, WISCONSIN

Date: JANUARY 2022	Revision Date:	
Drawn By: DAT	Checked By: ERH	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Cont Ob Form 4400\Figure 1 - Limits of Construction and Affected Property Owners.mxd Date: 1/27/2022



NOTES:

1. 2019 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Groundwater impacts were estimated based on the maximum concentration observed between the April 2017 and July 2020 (PDI) monitoring events. The extent of groundwater contamination is delineated as exceedances of the WDNR NR 140 Enforcement Standard (ES).
4. Soil impacts were estimated from historical and PDI sample data. The extent of soil contamination is delineated as exceedances of the WDNR. Industrial soil direct-contact RCL for soil 0-4 ft bgs or soil to groundwater protection RCL for soil >4 ft bgs.
5. Parcels supplied by Douglas County GIS.

Industrial Soil D-C RCL
- Benzene <7.07 mg/kg
- Naphthalene <24.1 mg/kg
- Benzo(a)pyrene <2.11 mg/kg

Soil to Groundwater Protection RCL
- Benzene <0.0051 mg/kg
- Naphthalene <0.6582 mg/kg
- Benzo(a)pyrene <0.478 mg/kg

0 50 100 Feet

N

SUPERIOR WATER, LIGHT & POWER

FIGURE 2

APPROXIMATE EXTENT OF COMBINED SOIL AND GROUNDWATER CONTAMINATION SUPERIOR, WISCONSIN

Date: APRIL 2022	Revision Date:	
Drawn By: SGL	Checked By: BDS1	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Cont Ob Form 4400\Figure 2 - Approximate Extent of Combined Soil and Groundwater Contamination.mxd Date: 4/13/2022

153,800 E
154,000 E
154,200 E
154,400 E
154,600 E
308,600 N
308,400 N
308,200 N
308,000 N
307,800 N
N
BNSF
LIMITS OF CONSTRUCTION
TEMPORARY FENCING (UNTIL CONSTRUCTION COMPLETION) SEE DETAIL 5 A-7
VENTED PILE LAYOUT
20' ENTRY GATE
TWTS
SOIL PILES
PERMANENT CHAIN LINK FENCING SEE DETAIL 5 A-7
EXCAVATION 3 AREA
FORMER GAS HOLDER
SWL&P
GATE
BIOSPARGE/SVE AIR EQUIPMENT AREA
SOIL PILES
GRAYMONT PARKING
5 FRAC TANKS FOR TEMP WATER STORAGE
EXCAVATION 1 AREA
JACK AND BORE SVE/BIOSPARGE PIPING
REPLACE EXISTING GATES WITH 20' ENTRY GATES SEE DETAIL 5 A-7
EXISTING FENCING (REMOVE AND REPLACE)
FORMER HORTON-SPHERE
E 2ND ST.
EXCAVATION 2 AREA
CONTRACTOR STAGING AREA
E 1ST ST
BIOSPARGE AREA
ARROWHEAD CONCRETE
CITY OF SUPERIOR

LEGEND

- BOAT SLIP BOUNDARY
- EXISTING BUILDING
- FENCE
- GROUND SURFACE ELEVATION
- PROPERTY BOUNDARY
- STORM SEWER PIPE
- SANITARY SEWER PIPE
- FIBER OPTIC
- RAILROAD
- EXISTING ROADWAYS
- IMPERVIOUS AREA LIMIT
- LIMITS OF CONSTRUCTION
- TEMPORARY FENCING
- 2008 EXCAVATION AREA
- EXCAVATION AREA
- MW-11 MONITORING WELL
- BIOSPARGE AREA
- WASTEWATER TREATMENT PLANT (WWTP) PIPE
- DEWATERING WELL
- HORIZONTAL SVE PIPE
- BIOSPARGE LATERAL PIPE AND WELL
- SVE AND BIOSPARGE MAIN HEADER PIPE
- BNSF PROPERTY
- CONTRACTOR STAGING AREA
- GRAYMONT PARKING AREA
- FRAC TANK
- VENTED PILE AREA
- TWTS AREA
- VENTED PIPING AREA

NOTES:

1. HORIZONTAL COORDINATE SYSTEM: NAD 1983 DOUGLAS COUNTY, UNITS IN FEET.
2. 2016 - 3" RESOLUTION AIR PHOTO FROM DOUGLAS COUNTY.
3. STORM AND SANITARY DATE SUPPLIED BY DOUGLAS COUNTY GIS.
4. ELECTRIC, GAS AND WATER DATASETS SUPPLIED BY SUPERIOR WATER, LIGHT & POWER.
5. SEE DRAWING B-1 FOR PLACEMENT OF TEMPORARY CONSTRUCTION FENCING DURING EXCAVATION

Foth
Foth Infrastructure & Environment, LLC
2121 Innovation Court, Suite 100
P.O. Box 5095
De Pere, WI 54115-5126
Phone: 920-497-2600

SWL&P

UPLAND AREA REMEDIAL ACTION DESIGN DRAWINGS FOR THE FORMER MGP SITE

SUPERIOR WATER, LIGHT & POWER

WISCONSIN

DOUGLAS COUNTY

REVISIONS:

NO.	DESCRIPTION	DATE	BY
1			
2			
3			
4			

RECORD DRAWING OF COMPLETED CONSTRUCTION BY: _____

RECORD DRAWINGS OF COMPLETED CONSTRUCTION CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS. DATE _____ BY _____

DATE OF PREPARATION

	BY	DATE
SURVEYED		
DRAWN	JOW	JANUARY 2022
DESIGNED		
CHECKED	BDS1	JANUARY 2022

SITE LAYOUT PLAN

HORIZONTAL SCALE:
0 50' 100'

PROJECT ID: 18S024

A-4

DRAFT

$FILE$
$$DAT$$$$

Attachment D

Factsheets

RR 819, Continuing Obligations for Environmental Protection

RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

Remediation and Redevelopment Program June 2017

Continuing Obligations for Environmental Protection

Responsibilities of Wisconsin Property Owners

Wis. Stat. § 292.12

Purpose
This fact sheet is intended to help property owners understand their legal requirements under s. 292.12, Wis. Stats., regarding continuing obligations that arise due to the environmental condition of their property.

Introduction

The term "continuing obligations" refers to certain actions for which property owners are responsible following a completed environmental cleanup. They are sometimes called environmental land use controls or institutional controls. These legal obligations, such as a requirement to maintain pavement over contaminated soil, are most often found in a cleanup approval letter from the state.

Less commonly, a continuing obligation may apply where a cleanup is not yet completed but a cleanup plan has been approved, or at a property owned by a local government that is exempt from certain cleanup requirements.

What Are Continuing Obligations?

Continuing obligations are legal requirements designed to protect public health and the environment in regard to contamination that remains on a property.

Continuing obligations still apply after a property is sold. Each new owner is responsible for complying with the continuing obligations.

Background

Wisconsin, like most states, allows some contamination to remain after cleanup of soil or groundwater contamination (residual contamination). This minimizes the transportation of contamination and reduces cleanup costs while still ensuring that public health and the environment are protected.

The Department of Natural Resources (DNR), through its Remediation and Redevelopment (RR) Program, places sites or properties with residual contamination on a public database in order to provide notice to interested parties about the residual contamination and any associated continuing obligations. Please see the "Public Information" section on page 3 to learn more about the database. (Prior to June 3, 2006, the state used deed restrictions recorded at county courthouses to establish continuing obligations, and those deed restrictions have also been added into the database.)

Types of Continuing Obligations

1. **Manage Contaminated Soil that is Excavated**

   If the property owner intends to dig up an area with contaminated soil, the owner must ensure that proper soil sampling, followed by appropriate treatment or disposal, takes place. Managing contaminated soil must be done in compliance with state law and is usually done under the guidance of a private environmental professional.

2. Manage Construction of Water Supply Wells

If there is soil or groundwater contamination and the property owner plans to construct or reconstruct a water supply well, the owner must obtain prior DNR approval to ensure that well construction is designed to protect the water supply from contamination.

Other Types of Continuing Obligations

Some continuing obligations are designed specifically for conditions on individual properties. Examples include:

- keeping clean soil and vegetation over contaminated soil;
- keeping an asphalt "cover" over contaminated soil or groundwater;
- maintaining a vapor venting system; and
- notifying the state if a structural impediment (e.g. building) that restricted the cleanup is removed. The owner may then need to conduct additional state-approved environmental work.

It is common for properties with approved cleanups to have continuing obligations because the DNR generally does not require removal of all contamination.

Property owners with the types of continuing obligations described above will find these requirements described in the state's cleanup approval letter or cleanup plan approval, and *must*:

- comply with these property-specific requirements; and
- obtain the state's permission before changing portions of the property where these requirements apply.

The requirements apply whether or not the person owned the property at the time that the continuing obligations were placed on the property.

Changing a Continuing Obligation

A property owner has the option to modify a continuing obligation if environmental conditions change. For example, petroleum contamination can degrade over time and property owners may collect new samples showing that residual contamination is gone. They may then request that the DNR modify or remove a continuing obligation. Fees are required for the DNR's review of this request and for processing the change to the database ($1050 review fee, $300/$350 database fee). Fees are subject to change; current fees are found in Wis. Admin. § NR 749 online at http://docs.legis.wisconsin.gov/code/admin_code/nr/700/749.

Public Information

The DNR provides public information about continuing obligations on the Internet. This information helps property owners, purchasers, lessees and lenders understand legal requirements that apply to a property. The DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to the DNR. Site specific documents are found under the *Documents* section. The information includes maps, deeds, contaminant data and the state's closure letter. The closure letter states that no additional environmental cleanup is needed for past contamination and includes information on property-specific continuing obligations. If a cleanup has not been completed, the state's approval of the remedial action plan will contain the information about

continuing obligations.

Properties with continuing obligations can generally be located in the DNR's *RR Sites Map*. RR Sites Map provides a map view of contaminated and cleaned up sites, including sites with continuing obligations, and links to BRRTS on the Web. *BRRTS on the Web* and *RR Sites Map* are part of the Wisconsin Remediation and Redevelopment Database (WRRD) at http://dnr.wi.gov/topic/Brownfields/wrrd.html.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the documents section, the DNR's closure letter can still be obtained from a regional office. For assistance, please contact a DNR Environmental Program Associate (see the RR Program's Staff Contact web page at dnr.wi.gov/topic/Brownfields/Contact.html).

Off-Site Contamination: When Continuing Obligations Cross the Property Line

An off-site property owner is someone who owns property that has been affected by contamination that moved through soil, sediment or groundwater from another property. Wis. Stat. § 292.13 provides an exemption from environmental cleanup requirements for owners of "off-site" properties. The DNR will generally not ask off-site property owners to investigate or clean up contamination that came from a different property, as long as the property owner allows access to his or her property so that others who are responsible for the contamination may complete the cleanup.

However, off-site property owners are legally obligated to comply with continuing obligations on their property, even though they did not cause the contamination. For example, if the state approved a cleanup where the person responsible for the contamination placed clean soil over contamination on an off-site property, the owner of the off-site property must either keep that soil in place or obtain state approval before disturbing it.

Property owners and others should check the *Public Information* section above if they need to:

- determine whether and where continuing obligations exist on a property;
- review the inspection, maintenance and reporting requirements, and
- contact the DNR regarding changing that portion of the property. The person to contact is the person that approved the closure or remedial action plan.

Option for an Off-Site Liability Exemption Letter

In general, owners of off-site properties have a legal exemption from environmental cleanup requirements. This exemption does not require a state approval letter. Nonetheless, they may request a property-specific liability exemption letter from the DNR if they have enough information to show that the source of the contamination is not on their property. This letter may be helpful in real estate transactions. The fee for this letter is $700 under Chapter NR 749, Wis. Adm. Code. For more information about this option, please see the RR Program's Liability web page at dnr.wi.gov/topic/Brownfields/Liability.html.

Legal Obligations of Off-Site Property Owners

- Allow access so the person cleaning up the contamination may work on the off-site property (unless the off-site owner completes the cleanup independently).
- Comply with any required continuing obligations on the off-site property.

Required Notifications to Off-Site Property Owners

1. The person responsible for cleaning up contamination must notify affected property owners of any proposed continuing obligations on their off-site property **before** asking the DNR to approve the cleanup. This is required by law and allows the off-site owners to provide the DNR with any technical information that may be relevant to the cleanup approval.

   When circumstances are appropriate, an off-site neighbor and the person responsible for the cleanup may enter into a "legally enforceable agreement" (i.e. a contract). Under this type of private agreement, the person responsible for the contamination may also take responsibility for maintaining a continuing obligation on an off-site property. This agreement would not automatically transfer to future owners of the off-site property. The state is not a party to the agreement and cannot enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, the DNR will send a letter to the off-site owners detailing the continuing obligations that are required for their property. Property owners should inform anyone interested in buying their property about maintaining these continuing obligations. For residential property, this would be part of the real estate disclosure obligation.

More Information

For more information, please visit the RR Program's Continuing Obligations website at dnr.wi.gov/topic/Brownfields/Residual.html.

Using Natural Attenuation to Clean Up Contaminated Groundwater:
What Landowners Should Know

RR-671 December 2016

What Is Natural Attenuation?
Natural attenuation makes use of natural processes in soil and groundwater to contain the spread of contamination and to reduce the amount of contamination from chemical releases.

Natural attenuation is an *in-situ* treatment method. This means that contaminants are left in place while natural attenuation works on them. Natural attenuation is relied upon to clean up contamination that remains after the source of the contamination is removed. An example of a source of contamination would be a leaking underground petroleum tank.

How Does Natural Attenuation Work?
Natural attenuation processes work at many sites, but the rate and degree of effectiveness varies from property to property, depending upon the type of contaminants present and the physical, chemical and biological characteristics of the soil and groundwater.

Natural attenuation processes can be divided into two broad categories – destructive and non-destructive. Destructive processes destroy contaminants. The most common destructive process is **biodegradation**.

Non-destructive processes do not destroy the contaminant, but reduce contaminant concentrations in groundwater through **dilution**, **dispersion** or **adsorption**.

Biodegradation
Biodegradation is a process in which micro-organisms that naturally occur in soil and groundwater (e.g. yeast, fungi, or bacteria), break down, or degrade hazardous substances to less toxic or non-toxic substances. Microorganisms, like humans, eat and digest organic compounds for nutrition and energy (organic compounds contain carbon and hydrogen atoms).

Some types of microorganisms can digest organic substances such as fuels or solvents that are hazardous to humans. Microorganisms break down the organic contaminants into harmless products – mainly carbon dioxide and water. Once the contaminants are degraded, the microorganism populations decline because they have used their food sources. These small populations of microorganisms pose no contaminant or health risk.

Many organic contaminants, like petroleum, can be biodegraded by microorganisms in the underground environment. For example, biodegradation processes can effectively cleanse soil and groundwater of hydrocarbon fuels such as gasoline and benzene, toluene, ethylbenzene, and xylene – known as the BTEX compounds, under certain conditions.

Biodegradation can also breakdown other contaminants in groundwater such as trichloroethylene (TCE), a chlorinated solvent used in metal cleaning. However, the processes involved are harder to predict and are less effective at contaminant removal compared to petroleum-contaminated sites.

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search “brownfield”

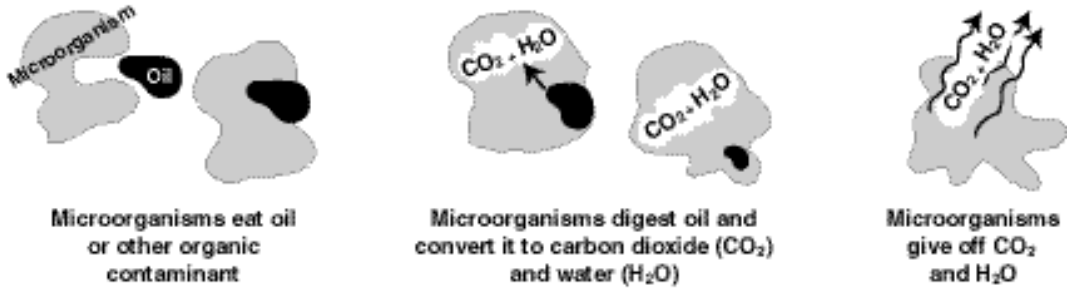


Figure 1. Schematic Diagram of Aerobic Biodegradation in Soil

Dilution and Dispersion

The effects of dilution and dispersion reduce contaminant concentrations but do not destroy contaminants. Clean water from the surface seeps underground to mix with and dilute contaminated groundwater.

Other processes that lead to reduced concentrations of contaminants include clean groundwater flowing into contaminated areas, and the dispersion of pollutants as they spread out and away from the main path of the contaminated plume.

Adsorption

Adsorption occurs when contaminants attach or "sorb" to underground particles. Most oily substances (like petroleum compounds) repel water and escape from the groundwater by attaching to organic matter and clay minerals in the subsurface.

This process holds back or retards contaminant movement and reduces the concentration of contaminants in the groundwater. However, like dilution and dispersion, adsorption does not destroy contaminants.

Why Consider Natural Attenuation To Clean Up Soil And Groundwater?

In certain situations, natural attenuation is an effective, inexpensive cleanup option and the most appropriate way to remediate some contamination problems. Natural attenuation focuses on confirming and monitoring natural remediation processes rather than relying on engineered or "active" technologies (such as pumping groundwater, treating it above ground, then disposing of the treated water).

Contaminants from petroleum are good candidates for natural attenuation because they are among the most easily destroyed by biodegradation. Natural attenuation is non-invasive, which allows treatment to go on below ground, while the surface can continue to be used.

Natural attenuation can also be less costly than active engineered treatment options, and requires no special equipment, energy source, or disposal of treated soil or groundwater.

Will Natural Attenuation Work At My Property?

Whether natural attenuation will work at a particular location is determined by investigating the soil and groundwater. These investigations determine the type of contaminants present, the levels of contamination, and the physical and chemical conditions that lead to biodegradation of the contaminants.

In order to rely on natural attenuation, responsible parties are required to confirm that natural attenuation processes are working by monitoring the soil and groundwater over a period of time to show that the contaminant concentrations are decreasing and that the contamination is no longer spreading.

Those conducting the cleanup need to know whether natural attenuation, or any proposed remedy, will reduce the contaminant concentrations in the soil and groundwater to legally acceptable limits within a reasonable period of time.

Natural attenuation may be an acceptable option for sites where active remediation has occurred and has reduced the concentration of contaminants (for instance, removing leaking underground tanks and contaminated soil).

However, natural attenuation is not an appropriate option at all sites. If the contamination has affected a drinking water well, or has entered a stream or lake, active cleanup options may be necessary to make sure people and the environment are protected from direct contact with the contamination.

The speed or rate of natural attenuation processes is typically slow. Monitoring is necessary to show that concentrations decrease at a sufficient rate to ensure that contaminants will not become a health threat in the future.

Closure Of Contaminated Sites Using Natural Attenuation As A Final Remedy

When contamination is discovered at a property (such as a gas station with leaking underground tanks), the person who is responsible for causing the contamination, and persons having possession or control of hazardous substances that have been discharged, have the responsibility to remove the source of contamination and investigate and clean up the contamination that has escaped into the soil and groundwater.

The contaminant release must be reported to the Wisconsin Department of Natural Resources (DNR) and the site investigation and cleanup are overseen by a state agency. Depending on the type of contaminant, the oversight agency could be the Department of Agriculture, Trade and Consumer Protection or Department of Natural Resources.

When the cleanup has complied with state standards, the person responsible for the contamination will ask the state agency for closure of the case. If natural attenuation is relied upon to finish cleaning up a contaminated property after closure, the responsible person will need to show that contaminant concentrations are not spreading, that contaminant concentrations are stable or decreasing, and that the concentrations will decrease in the future until state groundwater standards are met.

Because natural attenuation processes are slow, it may take many years before the properties with contamination are clean. State rules require that all owners of properties where groundwater contamination has spread must be informed of the contamination below their property.

In addition, the properties with groundwater contamination exceeding state groundwater enforcement standards must be listed on a database to notify future owners and developers of the presence of contamination. If future monitoring occurs and shows that natural attenuation processes have removed the contaminants to state-required cleanup levels, then the properties can be removed from the database.

The state agency will grant closure if the site investigation and monitoring shows that natural attenuation will clean up groundwater to state standards within a reasonable period of time. All state rules for cleanup must be met and the person who is responsible for the contamination must comply with all conditions of the state's closure approval.

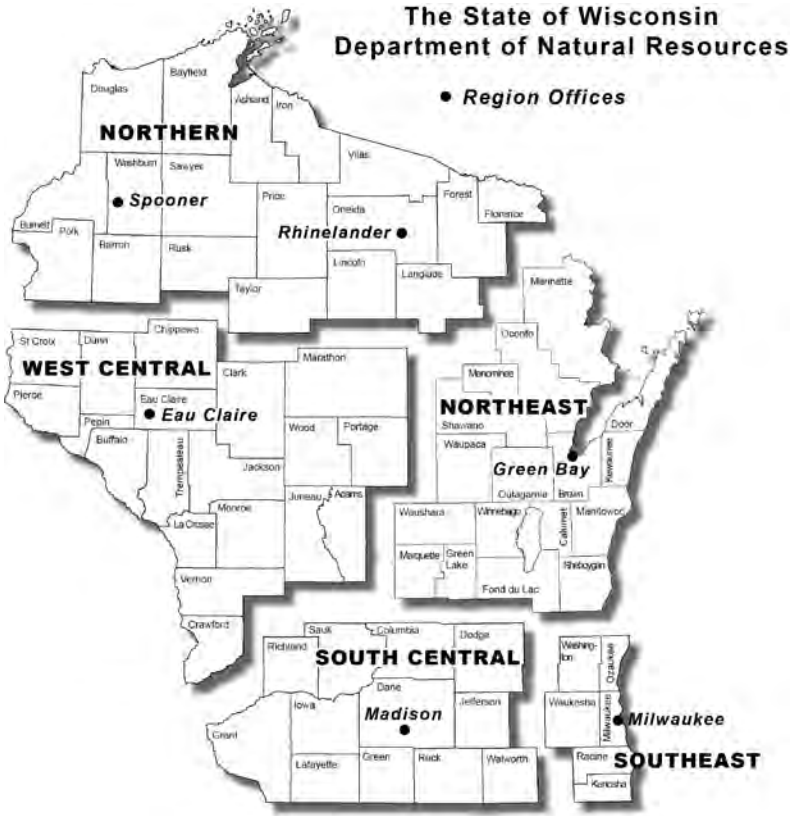
Publications

The following publications provide additional information on natural attenuation. Websites where these can be downloaded free of charge are also listed.

- *A Citizen's Guide to Bioremediation*, September 2012, EPA 542-F-12-003; https://www.epa.gov/sites/production/files/2015-04/documents/a_citizens_guide_to_bioremediation.pdf
- *Commonly Asked Questions Regarding the Use of Natural Attenuation for Petroleum-Contaminated Sites at Federal Facilities*, www.clu-in.org/download/techfocus/na/na-petrol.pdf
- *Monitored Natural Attenuation of Petroleum Hydrocarbons: U.S. EPA Remedial Technology Fact Sheet*, May 1999, EPA 600-F-98-021; www.clu-in.org/download/remed/pet-hyd.pdf
- *Monitored Natural Attenuation of Chlorinated Solvents*, May 1999, EPA 600-F-98-0022; www.clu-in.org/download/remed/chl-solv.pdf
- *Guidance on Natural Attenuation for Petroleum Releases, WI DNR, Bureau for Remediation and Redevelopment*, March 2003, PUB-RR-614; dnr.wi.gov/files/PDF/pubs/rr/RR614.pdf

Contact Information

If you have questions about natural attenuation contact a DNR Environmental Program Associate (EPA) in your local DNR regional office. The EPA can direct you to a project manager.



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

PUB-RR-892
Feb 2014

Wisconsin DNR vapor intrusion quick facts

What is Vapor Intrusion?

Chemicals used in commercial or industrial activities – dry cleaning chemicals, chemical degreasers and petroleum products such as gasoline – are sometimes spilled and leak into nearby soil or groundwater. When this happens, these chemicals may release gases or vapors, which travel from the contaminated groundwater or soil and move into nearby homes or businesses. This is called vapor intrusion.

The process when chemical vapors from contaminated soil or groundwater enter a home or other structure is called vapor intrusion.

Why are these chemical vapors a problem?

The chemicals that cause vapor intrusion are known as volatile organic compounds, or VOCs. Even when spilled into soil or water, these chemicals easily evaporate. They don't cause human health problems when they evaporate into the outside air, but when their vapors move into homes or businesses, they may cause long-term health problems for the people who live or work in those buildings. These vapors are usually odorless and colorless and undetectable without special testing equipment.

Why is vapor intrusion a concern?

Exposure to some chemical gases or vapors can cause an increased risk of adverse health effects. Whether or not a person experiences any health effects depends on several factors, including the amount and length of exposure, the toxicity of the chemical, and the individual's sensitivity to the chemical. When harmful chemical vapor intrusion is the result of environmental contamination, the Wisconsin Department of Natural Resources (DNR) requires that steps be taken to reduce or eliminate exposures which could be harmful to human health.

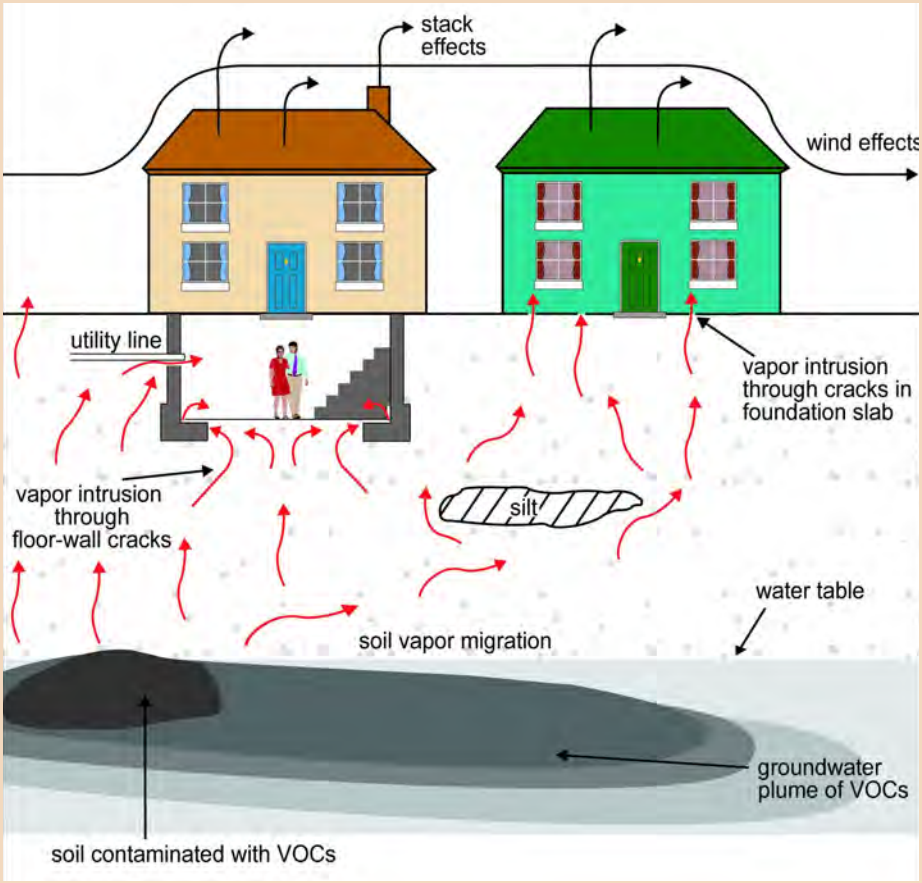
What should I expect if vapor intrusion is suspected near my home or business?

For businesses or other locations where VOC contamination has been found, the DNR requires that the potential for vapor intrusion be investigated. If you live near a site being cleaned up, you may be contacted by the site owner or others working on the cleanup. Your cooperation and consent will be requested before any testing or sampling is conducted on your property. Ask the person contacting you any questions you have about the work being done, or contact the DNR for more information (see DNR contact information on reverse). For more information about testing for vapor intrusion, see DNR-Pub-RR-954, "What to Expect During Vapor Intrusion Sampling."

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search "Brownfields"

How Vapors Enter a Building

If you live near a commercial or industrial facility or landfill where VOCs have entered either the soil or groundwater, there may be a potential for those chemicals to travel as vapors into your home or business. Vapors can enter buildings in various ways, including through cracks in the foundation and openings for utility lines. Building ventilation and weather can influence the extent of vapor intrusion.



Adapted from U.S. Environmental Protection Agency (EPA) graphic.
www.epa.gov/oswer/vaporintrusion/basic.html

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at **dhs.wisconsin.gov** , search "Vapor." For other health-related questions, please contact your local health department: **www.dhs.wisconsin.gov/localhealth**.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at **dnr.wi.gov/topic/Brownfields/Vapor.html**.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at **dnr.wi.gov/topic/Brownfields/Contact.html** or call the RR Program at (608) 266-2111.

From: UPS
To: Susan Romans (ALLETE)
Subject: [EXTERNAL MAIL] UPS Delivery Notification, Tracking Number 1Z5609240173439958
Date: Thursday, May 5, 2022 10:47:24 AM

Hello, your package has been delivered.

Delivery Date: Thursday, 05/05/2022
Delivery Time: 10:45 AM
Signed by: RUSSELL

MN POWER HEADQUATERS

TRACKING NUMBER: GRAYMONT LLS

Tracking Number:	**1Z5609240173439958**
Ship To:	GRAYMONT LLC 800 HILL AVENUE SUPERIOR, WI 54880 US
Number of Packages:	1
UPS Service:	UPS Next Day Air®
Package Weight:	1.0 LBS
Reference Number:	0960-2325310-4420

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SW&P
AN ALLETE COMPANY

May 4, 2022

Via UPS Overnight Delivery and Electronic Mail
Lakehead Concrete Works, Inc.
Attn: Ryan Tuhkanen
5572 Miller Trunk Highway
Duluth, MN 55811
E-mail: ryan@arrowheadconcreteworks.com

Dear Mr. Tuhkanen:

Attached for your review is a copy of the Notification of Continuing Obligations ("Notification") related to the former MGP site. The attached Notification is a revision of the version that was sent to you in November, 2021.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Jamie Mehle
Supervising Engineer

JM:sr
Enc.

Section A: Deeded Property Notification: Residual Contamination and/or Continuing Obligations

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

address of party receiving notification

5572 Miler Trunk Highway
Duluth, MN, 55811

Dear Mr. Tuhkanen:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible.
I have investigated a release of:
certain contaminants (as described below) from the former manufactured gas plant (MGP) site
on 800 Hill Ave, Superior, WI, 54880 that has shown that contamination has migrated onto your property.
I have responded to the release and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

You have 30 days to comment on the attached legal description of your property and on the proposed closure request:

Please review the enclosed legal description of your property, and notify Erin Hughes at 2121 Innovation Court, Suite 300, De Pere, WI, 54115 within the next 30 days if the legal description is incorrect.

(attach the legal description for each parcel; legal descriptions are not required for rights-of-way)

The DNR will not review my closure request for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information that is relevant to this closure request, or if you want to waive the 30 day comment period, you should mail that information to the DNR contact: 1701 N. 4th St., Superior, WI, 54880, or at john.sager@wisconsin.gov.

Your Long-Term Responsibilities as a Property Owner and Occupant:
The responses included
investigations of soil and groundwater which identified soil contamination that exceeds ch. NR720 residual contaminant levels (RCLs) and groundwater contamination that exceeds ch. NR 140 enforcement standards (ESs). SWL&P is planning specific remedial actions in coordination with the DNR to address certain areas of soil and groundwater contamination. For some time, there will be a continued need to leave monitoring wells on the property and for the owner to provide access to them for sampling. Because of potential structural impediments (e.g. gravel stockpile and storm sewer line) there are continuing obligations of the owner to leave those areas undisturbed or, if necessary to disturb those areas, to take actions to protect the environment and employees.
The continuing obligations I am proposing that affect your property are listed below, under the heading **Continuing Obligations**. Under s. 292.12 (5), Wis. Stats., current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approved closure.

The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Attach a copy of factsheet RR 819

Contract for responsibility for continuing obligation:
Before I request closure, I will need to inform the DNR as to whom will be responsible for the continuing obligation/s on your property.
SWL&P is conducting the Remedial Action (RA). These actions will in part be conducted on the owner property (see Drawing A-4). Additional obligations of the owner include protection of RA facilities and requirements to avoid contact with impacted soil, groundwater, and air that will be cleaned up to levels below performance standards during the RA.

Continued obligations of the owner after RA construction completion may include restrictions on groundwater use, limitations and guidance on soil disturbance, obligations relative to structural impediments, and industrial land use limitations.
Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to comply with the requirements of the final closure letter. If you need more time to finalize an agreement on the responsibility for the continuing obligations on your Property, you may request additional time from the DNR contact identified in **Contact Information.**

(Note: Future property owners would need to negotiate a new agreement.)

Remaining Contamination:

a. ☒ ***Soil Contamination:***

Soil contamination remains at :
the Limits of Contamination beneath and outside of the former Hortonsphere excavation areas and outside the former MGP Discharge excavation areas (see Figure 2 and BRRTS website).
The remaining contaminants include:
VOCs (benzene, toluene, ethylbenzene, and xylenes) and polycyclic aromatic hydrocarbons (PAHs)

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.
SWL&P will excavate soil, install a biosparge and SVE system, and treat resulting air emissions. At depths less than 4 ft, soil exceeding the Industrial shallow soil direct-contact RCLs will be excavated. At depths greater than 4 ft, soil with benzene greater than 5 mg/kg will be excavated from the former MGP gas holder and former Hortonsphere areas. Certain soil with elevated PAH concentrations in the former MGP discharge area will be excavated. This excavation will remove a significant amount of chemical mass prior to further in-place treatment using biosparging, soil vapor extraction, and air treatment. Despite significant source removal and treatment, some residual chemical will remain in soil above NR 720 RCLs.

b. ☒ ***Groundwater Contamination:***

Groundwater contamination originated at the property located at 800 Hill Ave, Superior, WI, 54880 .
Contaminated groundwater has migrated onto your property at:
Superior, WI [1 Winter Street]; Tax Parcels 1280324 / PID 02-802-07102-03. Approximate extent of groundwater contamination shown on Figure 2 and further described in site documents on the BRRTS website.
The levels of
volatile organic compounds (benzene, toluene, ethyl benzene, xylenes) and certain polycyclic aromatic hydrocarbons (PAHs)
contamination in the groundwater on your property are above the state groundwater enforcement standards found in ch. NR 140, Wis. Adm. Code.

c. ☒ However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation, or the breakdown of contaminants in groundwater due to naturally occurring processes, to complete the cleanup at this site will meet the case closure requirements of ch. NR 726, Wis. Adm. Code. As part of my request for case closure, I am requesting that the DNR accept natural attenuation as the final remedy for this site.

The following DNR fact sheet (RR 671, "What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater") has been included with this notification, to help explain the use of natural attenuation as a remedy. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR671.pdf. Attach a copy of factsheet RR 671.

d. ☒ ***Vapor Intrusion:***

Remaining contamination in soil and/or groundwater at this site is contributing to the intrusion of vapors at your property, or to the potential for vapor intrusion. Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building. The following DNR fact sheet (RR 892, "Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property") has been included with this notification to help explain vapor intrusion and the use of vapor mitigation systems. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR892.pdf Attach a copy of factsheet RR 892.

At your property at: 800 Hill Ave, Superior, WI, 54880
the levels of benzene
are above vapor risk action levels, beneath the foundation on your property.

Continuing Obligations on Your Property: As part of the cleanup, I am proposing that the following continuing obligations be used at your property, to address future exposure to residual contamination. If my closure request is approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR. See **Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed, to protect the water supply.

a. ☒ ***Residual Soil Contamination:***

If soil is excavated from the areas with residual contamination, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present
- determine whether the material would be considered solid or hazardous waste
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in-place, in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

b. ☐ Need to abandon monitoring wells

c. ☐ Continued monitoring was requested/required for certain monitoring wells

d. ☐ A cover/engineered cover has been used as a remedial action

e. ☐ Industrial Soil Standards were used for a remedial action

f. ☒ ***Use of a Structural Impediment:***

A structural impediment other remains on the property, which inhibited a complete investigation and cleanup. If and when this structural impediment is removed, additional investigation will be required, and further cleanup may be necessary.

g. ☐ Vapor mitigation system needs to be operated and maintained

h. ☐ Vapor - Dewatering system needs to be operated and maintained

i. ☐ Vapor - Compounds of concern are still in use

j. ☒ ***Vapor: Commercial or Industrial Use of Property:***

The closure request is based on this property being used for commercial or industrial purposes, using site-specific vapor exposure assumptions. If closure is approved, notification of the DNR will be required before changing the use of the property. Additional investigation and remediation may be required at that time.

k. ☒ ***Vapor: Future Actions to Address Vapor Intrusion:***

While vapor intrusion does not currently exist, if a building is constructed on this property, or reconstructed, or if use of a building is changed to a residential-type use, vapor intrusion may become an issue. If closure is approved, notification of the DNR will be required before construction of a building or changing the use of an existing building to residential occupancy. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time.

l. ☐ Site specific condition based on discussion with Department

Maintenance and Audits of Continuing Obligations:

If compliance with a maintenance plan is required as part of a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR. Submittal of the inspection log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain the continuing obligation and to document that maintenance in the inspection log. Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

Well Construction Requirements:

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at https://dnr.wi.gov/topic/Brownfields/WRRD.html. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. The property owner needs to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. A well driller can help complete this form. The well construction application, form 3300−254, is on the internet at https://dnr.wi.gov/files/PDF/forms/3300/3300-254.pdf.

Site Closure:

If the DNR grants closure, you will receive a letter which defines the specific continuing obligations on your property. The status of the site (open or closed) may also be checked by searching BRRTS on the Web. You may view or download a copy of the closure letter (sent to the responsible party) from BRRTS on the Web. You may also request a copy of the closure letter from the **responsible party** or by writing to the DNR contact, at John Sager, john.sager@wisconsin.gov, (715) 919-7239 . The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

If you have any questions regarding this notification, I can be reached at: (715) 395-6234 , jskandel@swlp.com .

Jocelyn Skandel

Signature of responsible party/environmental consultant for the responsible party

Date Signed 04/26/2022

Attachments (third page of form)

Contact Information

Legal Description for each Parcel:

Maps:

Maintenance plan

Factsheets:

RR 819, Continuing Obligations for Environmental Protection

c) Natural Attenuation

☒ RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

d) Vapor Intrusion

☒ RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

List of Attachments

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Attachment B: Parcel Legal Description

Attachment C: Maps

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- Figure 2
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Attachment D: Factsheets

- RR 819, Continuing Obligations for Environmental Protection
- RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater
- RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

Attachment A

Contact Information

The affected property is:

- ○ the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ◉ a deeded property affected by contamination from the source property
- ○ a right-of-way (ROW)
- ○ a Department of Transportation (DOT) ROW

Include this completed page as an attachment with all notifications provided under sections A and B.

Contact Information

Responsible Party: The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name: Superior Water, Light, & Power (SWL&P)

Contact Person Last Name	First	MI	Phone Number (include area code)
Skandel	Joscelyn		(715) 395-6234

Address	City	State	ZIP Code
2915 Hill Ave	Superior	WI	54880

E-mail: jskandel@swlp.com

Name of Party Receiving Notification:

Business Name, if applicable: Lakehead Concrete Works, Inc.

Title	Last Name	First	MI	Phone Number (include area code)
Mr.	Tuhkanen	Ryan		(218) 729-8274

Address	City	State	ZIP Code
5572 Miler Trunk Highway	Duluth	MN	55811

Site Name and Source Property Information:

Site (Activity) Name: Superior Water Light & Power Manufactured Gas Plant (MGP)

Address	City	State	ZIP Code
800 Hill Ave	Superior	WI	54880

DNR ID # (BRRTS#)	(DATCP) ID #
02-16-275446	

Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

Environmental Consultant: Foth Infrastructure & Environment, LLC (Foth)

Contact Person Last Name	First	MI	Phone Number (include area code)
Hughes	Erin	C	(920) 412-8594

Address	City	State	ZIP Code
2121 Innovation Court, Suite 300	De Pere	WI	54115

E-mail: erin.hughes@foth.com

Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

Department of: Natural Resources (DNR) Office: Superior

Address	City	State	ZIP Code
1701 N. 4th St.	Superior	WI	54880

Contact Person Last Name	First	MI	Phone Number (include area code)
Sager	John	E	(715) 919-7239

E-mail (Firstname.Lastname@wisconsin.gov): john.sager@wisconsin.gov

Attachment B

Parcel Legal Description

Legal Property Description
Lakehead Concrete Works, Inc.

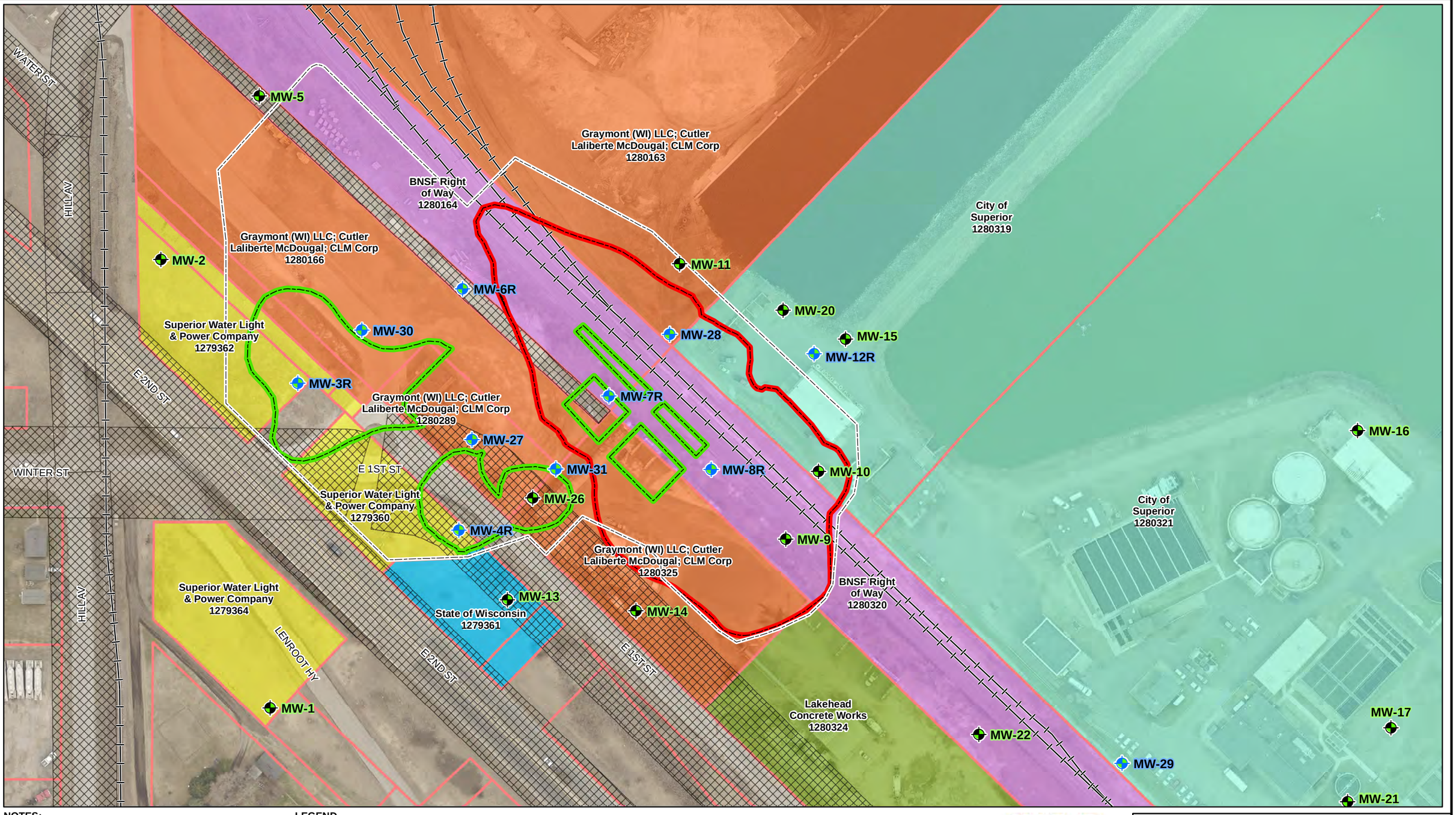
Owner	Parcel ID	Address Per Douglas County	Abbreviated Legal Description
Lakehead Concrete Works, Inc.	1280324/02-802-07102-03	1 Winter St	THAT PART OF GOVT LOT 2 SECTION 13-49-14 IN THE CITY OF SUPERIOR, COUNTY OF DOUGLAS, STATE OF WIS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NE'LY LINE OF WATER STREET, ROYS ADDN TO THE CITY OF SUPERIOR 130' SE'LY FROM THE INTERSECTION OF THE SE'LY LINE OF "C" STREET WITH THE NE'LY LINE OF WATER STREET; THENCE SE'LY ALONG THE NE'LY LINE OF WATER ST. A DISTANCE OF 500'; THENCE NE'LY AT A RIGHT ANGLE A DISTANCE OF 160' TO THE R/W LINE OF THE BN INC. R/W; THENCE NW'LY ALONG SAID BN INC. R/W A DISTANCE OF 500'; THENCE SW'LY AT A RIGHT ANGLE A DISTANCE OF 160' TO THE POINT OF BEGINNING. SUBJECT TO THAT CERTAIN SEWER EASEMENT DESCRIBED IN VOL 400 P 636,7&8. SAID PARCEL CONTAINS 1.84 ACRES 409-187

Notes:
R/W = Right-Of-Way

Attachment C

Maps

Figure 1
Figure 2
Drawing A-4



NOTES:

1. 2016 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Parcels supplied by Douglas County GIS.
4. Based on conversation with the City of Superior, the strip of land between BNSF parcel 1280164 and Graymont Parcel 1280166 is unplotted land that is considered a City of Superior Right of Way.

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

LEGEND

- Proposed Monitoring Well
- Existing Monitoring Well
- Limits of Construction
- Excavation Area
- Biosparge/SVE Area
- Railroad
- City of Superior Right of Way
- Tax Parcel

Property Owner

- BNSF Right of Way
- City of Superior
- Graymont (WI) LLC; Cutler Laliberte McDougal; CLM Corp
- Lakehead Concrete Works
- Superior Water Light & Power Company
- State of Wisconsin

SW&P

Foth

N

0 50 100 Feet

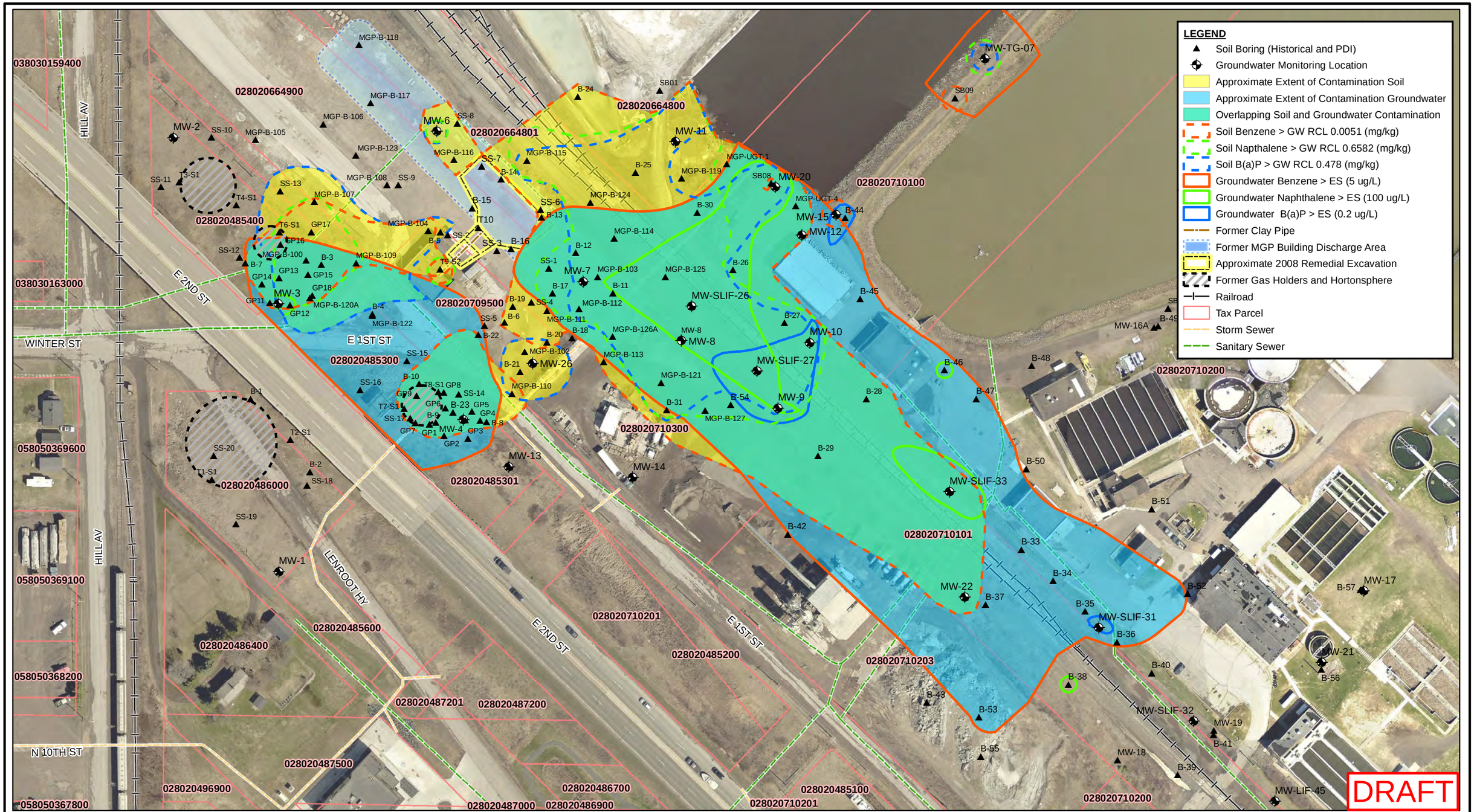
SUPERIOR WATER, LIGHT & POWER

FIGURE 1

LIMITS OF CONSTRUCTION AND AFFECTED PROPERTY OWNERS SUPERIOR, WISCONSIN

Date: NOVEMBER 2021	Revision Date:	
Drawn By: DAT	Checked By: ERH	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Stakeholder\Figure 1 - Limits of Construction and Affected Property Owners.mxd Date: 11/4/2021



NOTES:

1. 2019 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Groundwater impacts were estimated based on the maximum concentration observed between the April 2017 and July 2020 (PDI) monitoring events. The extent of groundwater contamination is delineated as exceedances of the WDNR NR 140 Enforcement Standard (ES).
4. Soil impacts were estimated from historical and PDI sample data. The extent of soil contamination is delineated as exceedances of the WDNR. Industrial soil direct-contact RCL for soil 0-4 ft bgs or soil to groundwater protection RCL for soil >4 ft bgs.
5. Parcels supplied by Douglas County GIS.

Industrial Soil D-C RCL
- Benzene <7.07 mg/kg
- Naphthalene <24.1 mg/kg
- Benzo(a)pyrene <2.11 mg/kg

Soil to Groundwater Protection RCL
- Benzene <0.0051 mg/kg
- Naphthalene <0.6582 mg/kg
- Benzo(a)pyrene <0.478 mg/kg

0 50 100 Feet

N

SUPERIOR WATER, LIGHT & POWER

FIGURE 2

APPROXIMATE EXTENT OF COMBINED SOIL AND GROUNDWATER CONTAMINATION SUPERIOR, WISCONSIN

Date: APRIL 2022	Revision Date:	
Drawn By: SGL	Checked By: BDS1	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Cont Ob Form 4400\Figure 2 - Approximate Extent of Combined Soil and Groundwater Contamination.mxd Date: 4/13/2022

153,800 E
154,000 E
154,200 E
154,400 E
154,600 E
308,600 N
308,400 N
308,200 N
308,000 N
307,800 N
N
BNSF
LIMITS OF CONSTRUCTION
TEMPORARY FENCING (UNTIL CONSTRUCTION COMPLETION) SEE DETAIL 5 A-7
VENTED PILE LAYOUT
20' ENTRY GATE
TWTS
SOIL PILES
PERMANENT CHAIN LINK FENCING SEE DETAIL 5 A-7
EXCAVATION 3 AREA
FORMER GAS HOLDER
SWL&P
GATE
BIOSPARGE/SVE AIR EQUIPMENT AREA
SOIL PILES
GRAYMONT PARKING
5 FRAC TANKS FOR TEMP WATER STORAGE
EXCAVATION 1 AREA
JACK AND BORE SVE/BIOSPARGE PIPING
REPLACE EXISTING GATES WITH 20' ENTRY GATES SEE DETAIL 5 A-7
EXISTING FENCING (REMOVE AND REPLACE)
FORMER HORTON-SPHERE
E 2ND ST.
EXCAVATION 2 AREA
CONTRACTOR STAGING AREA
E 1ST ST
BIOSPARGE AREA
ARROWHEAD CONCRETE
CITY OF SUPERIOR

LEGEND

- BOAT SLIP BOUNDARY
- EXISTING BUILDING
- FENCE
- GROUND SURFACE ELEVATION
- PROPERTY BOUNDARY
- STORM SEWER PIPE
- SANITARY SEWER PIPE
- FIBER OPTIC
- RAILROAD
- EXISTING ROADWAYS
- IMPERVIOUS AREA LIMIT
- LIMITS OF CONSTRUCTION
- TEMPORARY FENCING
- 2008 EXCAVATION AREA
- EXCAVATION AREA
- MW-11 MONITORING WELL
- BIOSPARGE AREA
- WASTEWATER TREATMENT PLANT (WWTP) PIPE
- DEWATERING WELL
- HORIZONTAL SVE PIPE
- BIOSPARGE LATERAL PIPE AND WELL
- SVE AND BIOSPARGE MAIN HEADER PIPE
- BNSF PROPERTY
- CONTRACTOR STAGING AREA
- GRAYMONT PARKING AREA
- FRAC TANK
- VENTED PILE AREA
- TWTS AREA
- VENTED PIPING AREA

NOTES:

1. HORIZONTAL COORDINATE SYSTEM: NAD 1983 DOUGLAS COUNTY, UNITS IN FEET.
2. 2016 - 3" RESOLUTION AIR PHOTO FROM DOUGLAS COUNTY.
3. STORM AND SANITARY DATE SUPPLIED BY DOUGLAS COUNTY GIS.
4. ELECTRIC, GAS AND WATER DATASETS SUPPLIED BY SUPERIOR WATER, LIGHT & POWER.
5. SEE DRAWING B-1 FOR PLACEMENT OF TEMPORARY CONSTRUCTION FENCING DURING EXCAVATION

Foth
Foth Infrastructure & Environment, LLC
2121 Innovation Court, Suite 100
P.O. Box 5095
De Pere, WI 54115-5126
Phone: 920-497-2600

SWL&P

UPLAND AREA REMEDIAL ACTION DESIGN DRAWINGS FOR THE FORMER MGP SITE

SUPERIOR WATER, LIGHT & POWER

WISCONSIN

DOUGLAS COUNTY

REVISIONS:

NO.	DESCRIPTION	DATE	BY
1			
2			
3			
4			

RECORD DRAWING OF COMPLETED CONSTRUCTION BY: _____

RECORD DRAWINGS OF COMPLETED CONSTRUCTION CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS. DATE _____ BY _____

DATE OF PREPARATION

	BY	DATE
SURVEYED		
DRAWN	JOW	JANUARY 2022
DESIGNED		
CHECKED	BDS1	JANUARY 2022

SITE LAYOUT PLAN

HORIZONTAL SCALE:
0 50' 100'

PROJECT ID: 18S024

A-4

DRAFT

$FILE$
$$DAT$$$$

Attachment D

Factsheets

RR 819, Continuing Obligations for Environmental Protection

RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

Remediation and Redevelopment Program June 2017

Continuing Obligations for Environmental Protection

Responsibilities of Wisconsin Property Owners

Wis. Stat. § 292.12

Purpose
This fact sheet is intended to help property owners understand their legal requirements under s. 292.12, Wis. Stats., regarding continuing obligations that arise due to the environmental condition of their property.

Introduction

The term "continuing obligations" refers to certain actions for which property owners are responsible following a completed environmental cleanup. They are sometimes called environmental land use controls or institutional controls. These legal obligations, such as a requirement to maintain pavement over contaminated soil, are most often found in a cleanup approval letter from the state.

Less commonly, a continuing obligation may apply where a cleanup is not yet completed but a cleanup plan has been approved, or at a property owned by a local government that is exempt from certain cleanup requirements.

What Are Continuing Obligations?

Continuing obligations are legal requirements designed to protect public health and the environment in regard to contamination that remains on a property.

Continuing obligations still apply after a property is sold. Each new owner is responsible for complying with the continuing obligations.

Background

Wisconsin, like most states, allows some contamination to remain after cleanup of soil or groundwater contamination (residual contamination). This minimizes the transportation of contamination and reduces cleanup costs while still ensuring that public health and the environment are protected.

The Department of Natural Resources (DNR), through its Remediation and Redevelopment (RR) Program, places sites or properties with residual contamination on a public database in order to provide notice to interested parties about the residual contamination and any associated continuing obligations. Please see the "Public Information" section on page 3 to learn more about the database. (Prior to June 3, 2006, the state used deed restrictions recorded at county courthouses to establish continuing obligations, and those deed restrictions have also been added into the database.)

Types of Continuing Obligations

1. **Manage Contaminated Soil that is Excavated**

   If the property owner intends to dig up an area with contaminated soil, the owner must ensure that proper soil sampling, followed by appropriate treatment or disposal, takes place. Managing contaminated soil must be done in compliance with state law and is usually done under the guidance of a private environmental professional.

2. Manage Construction of Water Supply Wells

If there is soil or groundwater contamination and the property owner plans to construct or reconstruct a water supply well, the owner must obtain prior DNR approval to ensure that well construction is designed to protect the water supply from contamination.

Other Types of Continuing Obligations

Some continuing obligations are designed specifically for conditions on individual properties. Examples include:

- keeping clean soil and vegetation over contaminated soil;
- keeping an asphalt "cover" over contaminated soil or groundwater;
- maintaining a vapor venting system; and
- notifying the state if a structural impediment (e.g. building) that restricted the cleanup is removed. The owner may then need to conduct additional state-approved environmental work.

It is common for properties with approved cleanups to have continuing obligations because the DNR generally does not require removal of all contamination.

Property owners with the types of continuing obligations described above will find these requirements described in the state's cleanup approval letter or cleanup plan approval, and *must*:

- comply with these property-specific requirements; and
- obtain the state's permission before changing portions of the property where these requirements apply.

The requirements apply whether or not the person owned the property at the time that the continuing obligations were placed on the property.

Changing a Continuing Obligation

A property owner has the option to modify a continuing obligation if environmental conditions change. For example, petroleum contamination can degrade over time and property owners may collect new samples showing that residual contamination is gone. They may then request that the DNR modify or remove a continuing obligation. Fees are required for the DNR's review of this request and for processing the change to the database ($1050 review fee, $300/$350 database fee). Fees are subject to change; current fees are found in Wis. Admin. § NR 749 online at http://docs.legis.wisconsin.gov/code/admin_code/nr/700/749.

Public Information

The DNR provides public information about continuing obligations on the Internet. This information helps property owners, purchasers, lessees and lenders understand legal requirements that apply to a property. The DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to the DNR. Site specific documents are found under the *Documents* section. The information includes maps, deeds, contaminant data and the state's closure letter. The closure letter states that no additional environmental cleanup is needed for past contamination and includes information on property-specific continuing obligations. If a cleanup has not been completed, the state's approval of the remedial action plan will contain the information about

continuing obligations.

Properties with continuing obligations can generally be located in the DNR's *RR Sites Map*. RR Sites Map provides a map view of contaminated and cleaned up sites, including sites with continuing obligations, and links to BRRTS on the Web. *BRRTS on the Web* and *RR Sites Map* are part of the Wisconsin Remediation and Redevelopment Database (WRRD) at http://dnr.wi.gov/topic/Brownfields/wrrd.html.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the documents section, the DNR's closure letter can still be obtained from a regional office. For assistance, please contact a DNR Environmental Program Associate (see the RR Program's Staff Contact web page at dnr.wi.gov/topic/Brownfields/Contact.html).

Off-Site Contamination: When Continuing Obligations Cross the Property Line

An off-site property owner is someone who owns property that has been affected by contamination that moved through soil, sediment or groundwater from another property. Wis. Stat. § 292.13 provides an exemption from environmental cleanup requirements for owners of "off-site" properties. The DNR will generally not ask off-site property owners to investigate or clean up contamination that came from a different property, as long as the property owner allows access to his or her property so that others who are responsible for the contamination may complete the cleanup.

However, off-site property owners are legally obligated to comply with continuing obligations on their property, even though they did not cause the contamination. For example, if the state approved a cleanup where the person responsible for the contamination placed clean soil over contamination on an off-site property, the owner of the off-site property must either keep that soil in place or obtain state approval before disturbing it.

Property owners and others should check the *Public Information* section above if they need to:

- determine whether and where continuing obligations exist on a property;
- review the inspection, maintenance and reporting requirements, and
- contact the DNR regarding changing that portion of the property. The person to contact is the person that approved the closure or remedial action plan.

Option for an Off-Site Liability Exemption Letter

In general, owners of off-site properties have a legal exemption from environmental cleanup requirements. This exemption does not require a state approval letter. Nonetheless, they may request a property-specific liability exemption letter from the DNR if they have enough information to show that the source of the contamination is not on their property. This letter may be helpful in real estate transactions. The fee for this letter is $700 under Chapter NR 749, Wis. Adm. Code. For more information about this option, please see the RR Program's Liability web page at dnr.wi.gov/topic/Brownfields/Liability.html.

Legal Obligations of Off-Site Property Owners

- Allow access so the person cleaning up the contamination may work on the off-site property (unless the off-site owner completes the cleanup independently).
- Comply with any required continuing obligations on the off-site property.

Required Notifications to Off-Site Property Owners

1. The person responsible for cleaning up contamination must notify affected property owners of any proposed continuing obligations on their off-site property **before** asking the DNR to approve the cleanup. This is required by law and allows the off-site owners to provide the DNR with any technical information that may be relevant to the cleanup approval.

   When circumstances are appropriate, an off-site neighbor and the person responsible for the cleanup may enter into a "legally enforceable agreement" (i.e. a contract). Under this type of private agreement, the person responsible for the contamination may also take responsibility for maintaining a continuing obligation on an off-site property. This agreement would not automatically transfer to future owners of the off-site property. The state is not a party to the agreement and cannot enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, the DNR will send a letter to the off-site owners detailing the continuing obligations that are required for their property. Property owners should inform anyone interested in buying their property about maintaining these continuing obligations. For residential property, this would be part of the real estate disclosure obligation.

More Information

For more information, please visit the RR Program's Continuing Obligations website at dnr.wi.gov/topic/Brownfields/Residual.html.

Using Natural Attenuation to Clean Up Contaminated Groundwater:
What Landowners Should Know

RR-671 December 2016

What Is Natural Attenuation?
Natural attenuation makes use of natural processes in soil and groundwater to contain the spread of contamination and to reduce the amount of contamination from chemical releases.

Natural attenuation is an *in-situ* treatment method. This means that contaminants are left in place while natural attenuation works on them. Natural attenuation is relied upon to clean up contamination that remains after the source of the contamination is removed. An example of a source of contamination would be a leaking underground petroleum tank.

How Does Natural Attenuation Work?
Natural attenuation processes work at many sites, but the rate and degree of effectiveness varies from property to property, depending upon the type of contaminants present and the physical, chemical and biological characteristics of the soil and groundwater.

Natural attenuation processes can be divided into two broad categories – destructive and non-destructive. Destructive processes destroy contaminants. The most common destructive process is **biodegradation**.

Non-destructive processes do not destroy the contaminant, but reduce contaminant concentrations in groundwater through **dilution**, **dispersion** or **adsorption**.

Biodegradation
Biodegradation is a process in which micro-organisms that naturally occur in soil and groundwater (e.g. yeast, fungi, or bacteria), break down, or degrade hazardous substances to less toxic or non-toxic substances. Microorganisms, like humans, eat and digest organic compounds for nutrition and energy (organic compounds contain carbon and hydrogen atoms).

Some types of microorganisms can digest organic substances such as fuels or solvents that are hazardous to humans. Microorganisms break down the organic contaminants into harmless products – mainly carbon dioxide and water. Once the contaminants are degraded, the microorganism populations decline because they have used their food sources. These small populations of microorganisms pose no contaminant or health risk.

Many organic contaminants, like petroleum, can be biodegraded by microorganisms in the underground environment. For example, biodegradation processes can effectively cleanse soil and groundwater of hydrocarbon fuels such as gasoline and benzene, toluene, ethylbenzene, and xylene – known as the BTEX compounds, under certain conditions.

Biodegradation can also breakdown other contaminants in groundwater such as trichloroethylene (TCE), a chlorinated solvent used in metal cleaning. However, the processes involved are harder to predict and are less effective at contaminant removal compared to petroleum-contaminated sites.

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search “brownfield”

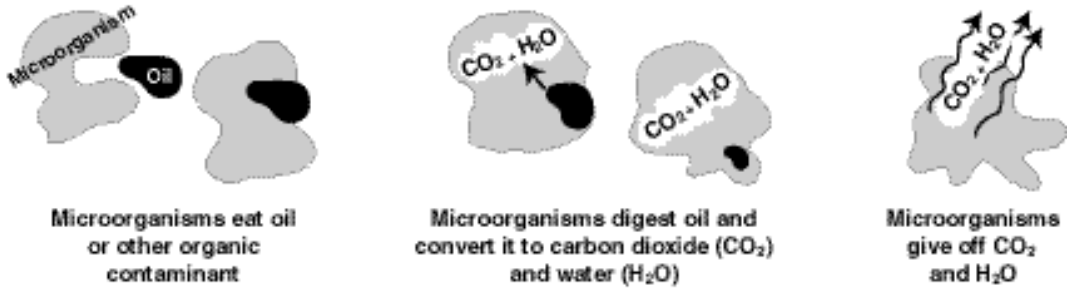


Figure 1. Schematic Diagram of Aerobic Biodegradation in Soil

Dilution and Dispersion

The effects of dilution and dispersion reduce contaminant concentrations but do not destroy contaminants. Clean water from the surface seeps underground to mix with and dilute contaminated groundwater.

Other processes that lead to reduced concentrations of contaminants include clean groundwater flowing into contaminated areas, and the dispersion of pollutants as they spread out and away from the main path of the contaminated plume.

Adsorption

Adsorption occurs when contaminants attach or "sorb" to underground particles. Most oily substances (like petroleum compounds) repel water and escape from the groundwater by attaching to organic matter and clay minerals in the subsurface.

This process holds back or retards contaminant movement and reduces the concentration of contaminants in the groundwater. However, like dilution and dispersion, adsorption does not destroy contaminants.

Why Consider Natural Attenuation To Clean Up Soil And Groundwater?

In certain situations, natural attenuation is an effective, inexpensive cleanup option and the most appropriate way to remediate some contamination problems. Natural attenuation focuses on confirming and monitoring natural remediation processes rather than relying on engineered or "active" technologies (such as pumping groundwater, treating it above ground, then disposing of the treated water).

Contaminants from petroleum are good candidates for natural attenuation because they are among the most easily destroyed by biodegradation. Natural attenuation is non-invasive, which allows treatment to go on below ground, while the surface can continue to be used.

Natural attenuation can also be less costly than active engineered treatment options, and requires no special equipment, energy source, or disposal of treated soil or groundwater.

Will Natural Attenuation Work At My Property?

Whether natural attenuation will work at a particular location is determined by investigating the soil and groundwater. These investigations determine the type of contaminants present, the levels of contamination, and the physical and chemical conditions that lead to biodegradation of the contaminants.

In order to rely on natural attenuation, responsible parties are required to confirm that natural attenuation processes are working by monitoring the soil and groundwater over a period of time to show that the contaminant concentrations are decreasing and that the contamination is no longer spreading.

Those conducting the cleanup need to know whether natural attenuation, or any proposed remedy, will reduce the contaminant concentrations in the soil and groundwater to legally acceptable limits within a reasonable period of time.

Natural attenuation may be an acceptable option for sites where active remediation has occurred and has reduced the concentration of contaminants (for instance, removing leaking underground tanks and contaminated soil).

However, natural attenuation is not an appropriate option at all sites. If the contamination has affected a drinking water well, or has entered a stream or lake, active cleanup options may be necessary to make sure people and the environment are protected from direct contact with the contamination.

The speed or rate of natural attenuation processes is typically slow. Monitoring is necessary to show that concentrations decrease at a sufficient rate to ensure that contaminants will not become a health threat in the future.

Closure Of Contaminated Sites Using Natural Attenuation As A Final Remedy

When contamination is discovered at a property (such as a gas station with leaking underground tanks), the person who is responsible for causing the contamination, and persons having possession or control of hazardous substances that have been discharged, have the responsibility to remove the source of contamination and investigate and clean up the contamination that has escaped into the soil and groundwater.

The contaminant release must be reported to the Wisconsin Department of Natural Resources (DNR) and the site investigation and cleanup are overseen by a state agency. Depending on the type of contaminant, the oversight agency could be the Department of Agriculture, Trade and Consumer Protection or Department of Natural Resources.

When the cleanup has complied with state standards, the person responsible for the contamination will ask the state agency for closure of the case. If natural attenuation is relied upon to finish cleaning up a contaminated property after closure, the responsible person will need to show that contaminant concentrations are not spreading, that contaminant concentrations are stable or decreasing, and that the concentrations will decrease in the future until state groundwater standards are met.

Because natural attenuation processes are slow, it may take many years before the properties with contamination are clean. State rules require that all owners of properties where groundwater contamination has spread must be informed of the contamination below their property.

In addition, the properties with groundwater contamination exceeding state groundwater enforcement standards must be listed on a database to notify future owners and developers of the presence of contamination. If future monitoring occurs and shows that natural attenuation processes have removed the contaminants to state-required cleanup levels, then the properties can be removed from the database.

The state agency will grant closure if the site investigation and monitoring shows that natural attenuation will clean up groundwater to state standards within a reasonable period of time. All state rules for cleanup must be met and the person who is responsible for the contamination must comply with all conditions of the state's closure approval.

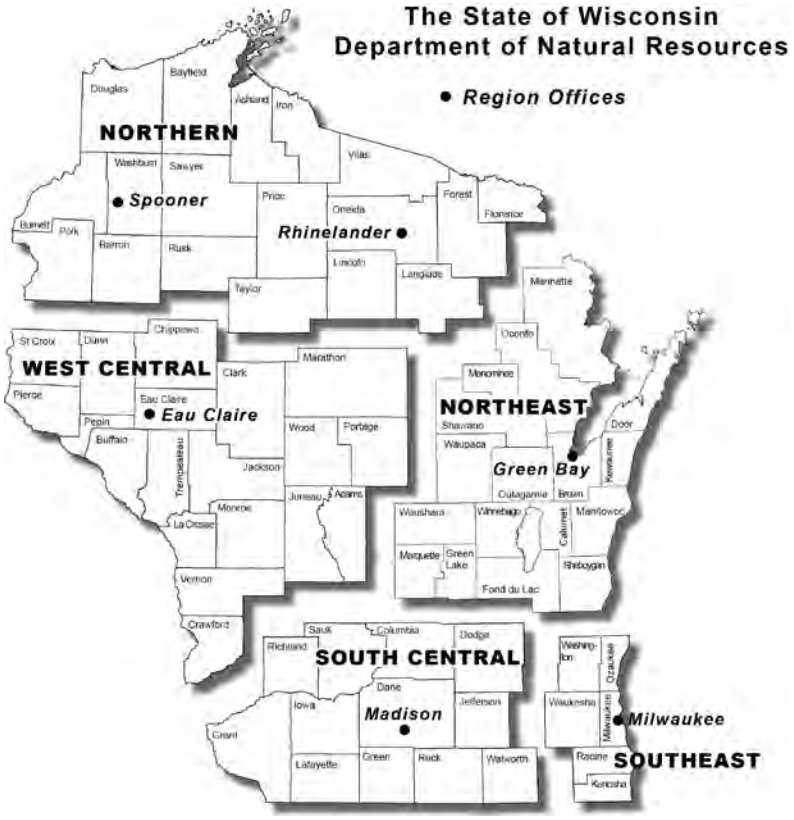
Publications

The following publications provide additional information on natural attenuation. Websites where these can be downloaded free of charge are also listed.

- *A Citizen's Guide to Bioremediation*, September 2012, EPA 542-F-12-003; https://www.epa.gov/sites/production/files/2015-04/documents/a_citizens_guide_to_bioremediation.pdf
- *Commonly Asked Questions Regarding the Use of Natural Attenuation for Petroleum-Contaminated Sites at Federal Facilities*, www.clu-in.org/download/techfocus/na/na-petrol.pdf
- *Monitored Natural Attenuation of Petroleum Hydrocarbons: U.S. EPA Remedial Technology Fact Sheet*, May 1999, EPA 600-F-98-021; www.clu-in.org/download/remed/pet-hyd.pdf
- *Monitored Natural Attenuation of Chlorinated Solvents*, May 1999, EPA 600-F-98-0022; www.clu-in.org/download/remed/chl-solv.pdf
- *Guidance on Natural Attenuation for Petroleum Releases, WI DNR, Bureau for Remediation and Redevelopment*, March 2003, PUB-RR-614; dnr.wi.gov/files/PDF/pubs/rr/RR614.pdf

Contact Information

If you have questions about natural attenuation contact a DNR Environmental Program Associate (EPA) in your local DNR regional office. The EPA can direct you to a project manager.



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

PUB-RR-892
Feb 2014

Wisconsin DNR vapor intrusion quick facts

What is Vapor Intrusion?

Chemicals used in commercial or industrial activities – dry cleaning chemicals, chemical degreasers and petroleum products such as gasoline – are sometimes spilled and leak into nearby soil or groundwater. When this happens, these chemicals may release gases or vapors, which travel from the contaminated groundwater or soil and move into nearby homes or businesses. This is called vapor intrusion.

The process when chemical vapors from contaminated soil or groundwater enter a home or other structure is called vapor intrusion.

Why are these chemical vapors a problem?

The chemicals that cause vapor intrusion are known as volatile organic compounds, or VOCs. Even when spilled into soil or water, these chemicals easily evaporate. They don't cause human health problems when they evaporate into the outside air, but when their vapors move into homes or businesses, they may cause long-term health problems for the people who live or work in those buildings. These vapors are usually odorless and colorless and undetectable without special testing equipment.

Why is vapor intrusion a concern?

Exposure to some chemical gases or vapors can cause an increased risk of adverse health effects. Whether or not a person experiences any health effects depends on several factors, including the amount and length of exposure, the toxicity of the chemical, and the individual's sensitivity to the chemical. When harmful chemical vapor intrusion is the result of environmental contamination, the Wisconsin Department of Natural Resources (DNR) requires that steps be taken to reduce or eliminate exposures which could be harmful to human health.

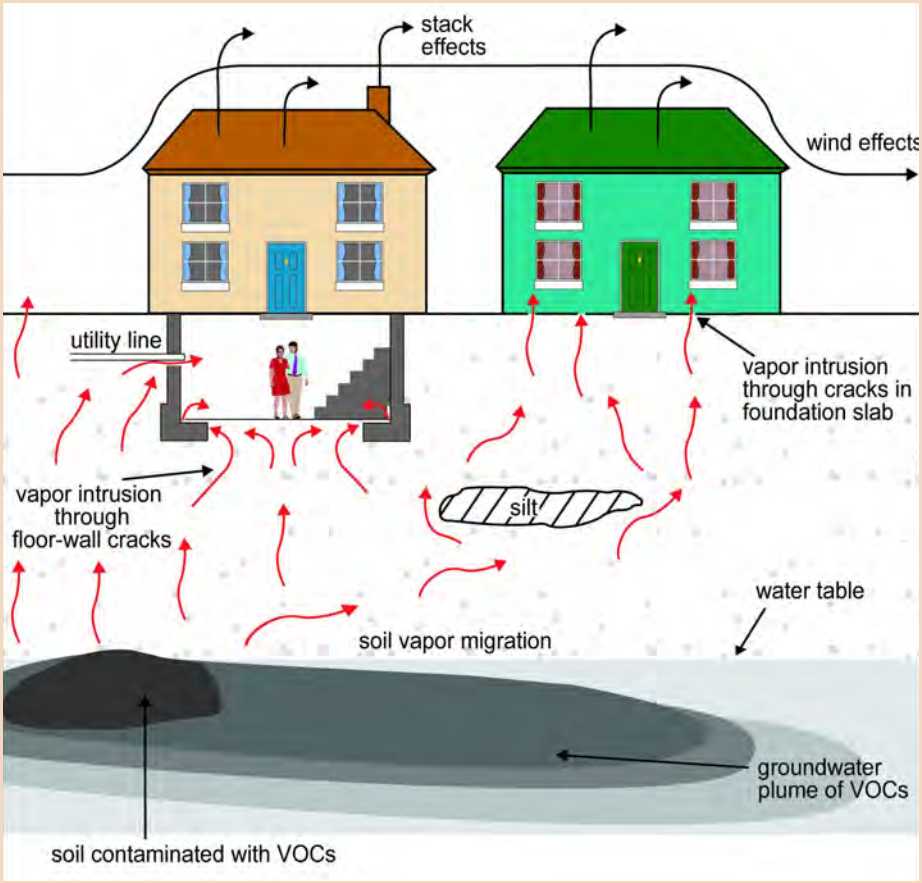
What should I expect if vapor intrusion is suspected near my home or business?

For businesses or other locations where VOC contamination has been found, the DNR requires that the potential for vapor intrusion be investigated. If you live near a site being cleaned up, you may be contacted by the site owner or others working on the cleanup. Your cooperation and consent will be requested before any testing or sampling is conducted on your property. Ask the person contacting you any questions you have about the work being done, or contact the DNR for more information (see DNR contact information on reverse). For more information about testing for vapor intrusion, see DNR-Pub-RR-954, "What to Expect During Vapor Intrusion Sampling."

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search "Brownfields"

How Vapors Enter a Building

If you live near a commercial or industrial facility or landfill where VOCs have entered either the soil or groundwater, there may be a potential for those chemicals to travel as vapors into your home or business. Vapors can enter buildings in various ways, including through cracks in the foundation and openings for utility lines. Building ventilation and weather can influence the extent of vapor intrusion.



Adapted from U.S. Environmental Protection Agency (EPA) graphic.
www.epa.gov/oswer/vaporintrusion/basic.html

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at **dhs.wisconsin.gov** , search "Vapor." For other health-related questions, please contact your local health department: **www.dhs.wisconsin.gov/localhealth**.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at **dnr.wi.gov/topic/Brownfields/Vapor.html**.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at **dnr.wi.gov/topic/Brownfields/Contact.html** or call the RR Program at (608) 266-2111.

From: UPS
To: Susan Romans (ALLETE)
Subject: [EXTERNAL MAIL] UPS Delivery Notification, Tracking Number 1Z5609240175023938
Date: Thursday, May 5, 2022 10:34:02 AM

Hello, your package has been delivered.

Delivery Date: Thursday, 05/05/2022
Delivery Time: 10:31 AM
Left At: RECEIVER
Signed by: JOHNSON

MN POWER HEADQUATERS

TRACKING NUMBER: LAKEHEAD CONCRETE WORKS

Tracking Number:	**1Z5609240175023938**
Ship To:	LAKEHEAD CONCRETE WORKS 5572 MILLER TRUNK HIGHWAY DULUTH, MN 55811 US
Number of Packages:	1
UPS Service:	UPS Next Day Air®
Package Weight:	1.0 LBS
Reference Number:	0960-2325310-4420

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Sign Up For Additional E-Mail From UPS

Read Compass Online

Download the UPS mobile app

SW&P
AN ALLETE COMPANY

May 4, 2022

Via UPS Overnight Delivery and Electronic Mail
Wisconsin Department of Transportation
Attn: Michael Piller
1704 N. 4th St.
Superior, WI 54880
E-mail: michael.piller@dot.wi.gov

Dear Mr. Piller:

Attached for your review is a copy of the Notification of Continuing Obligations ("Notification") related to the former MGP site. The attached Notification is a revision of the version that was sent to you in November, 2021.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Jamie Mehle
Supervising Engineer

JM:sr
Enc.

Section A: Deeded Property Notification: Residual Contamination and/or Continuing Obligations

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

address of party receiving notification

1704 N 4th St.
Superior, WI, 54880

Dear Mr. Piller:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible.
I have investigated a release of:
certain contaminants (as described below) from the former manufactured gas plant (MGP) site
on 800 Hill Ave, Superior, WI, 54880 that has shown that contamination has migrated onto your property.
I have responded to the release and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

You have 30 days to comment on the attached legal description of your property and on the proposed closure request:

Please review the enclosed legal description of your property, and notify Erin Hughes at 2121 Innovation Court, Suite 300, De Pere, WI, 54115 within the next 30 days if the legal description is incorrect.

(attach the legal description for each parcel; legal descriptions are not required for rights-of-way)

The DNR will not review my closure request for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information that is relevant to this closure request, or if you want to waive the 30 day comment period, you should mail that information to the DNR contact: 1701 N. 4th St., Superior, WI, 54880, or at john.sager@wisconsin.gov.

Your Long-Term Responsibilities as a Property Owner and Occupant:
The responses included
investigations of soil and groundwater which identified soil contamination that exceeds ch. NR720 residual contaminant levels (RCLs) and groundwater contamination that exceeds ch. NR 140 enforcement standards (ESs). SWL&P is planning specific remedial actions in coordination with the DNR to address certain areas of soil and groundwater contamination. For some time, there will be a continued need to leave monitoring wells on the property and for the owner to provide SWL&P access to them for sampling.
The continuing obligations I am proposing that affect your property are listed below, under the heading **Continuing Obligations**. Under s. 292.12 (5), Wis. Stats., current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approved closure.

The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Attach a copy of factsheet RR 819

Contract for responsibility for continuing obligation:
Before I request closure, I will need to inform the DNR as to whom will be responsible for the continuing obligation/s on your property.
SWL&P is conducting the Remedial Action (RA). These actions will in part be conducted on the owner property (see Drawing A-4). Additional obligations of the owner include protection of RA facilities and requirements to avoid contact with impacted soil, groundwater, and air that will be cleaned up to levels below performance standards during the RA. Continued obligations of the owner after RA construction completion may include restrictions on groundwater use, limitations and guidance on soil disturbance, and industrial land use limitations.

Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to comply with the requirements of the final closure letter. If you need more time to finalize an agreement on the responsibility for the continuing obligations on your Property, you may request additional time from the DNR contact identified in **Contact Information.**

(Note: Future property owners would need to negotiate a new agreement.)

Remaining Contamination:

a. ☐ Some remaining soil contamination exceeds ch. NR 720 soil standards

b. ☒ ***Groundwater Contamination:***
Groundwater contamination originated at the property located at 800 Hill Ave, Superior, WI, 54880 .
Contaminated groundwater has migrated onto your property at:
Superior, WI [No Street Address]; Tax Parcels: 1279361. Approximate extent of groundwater contamination shown on Figure 2 and further described in site documents on the BRRTS website.
The levels of
volatile organic compounds (benzene, toluene, ethyl benzene, xylenes) and certain polycyclic aromatic hydrocarbons (PAHs)
contamination in the groundwater on your property are above the state groundwater enforcement standards found in ch. NR 140, Wis. Adm. Code.

c. ☒ However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation, or the breakdown of contaminants in groundwater due to naturally occurring processes, to complete the cleanup at this site will meet the case closure requirements of ch. NR 726, Wis. Adm. Code. As part of my request for case closure, I am requesting that the DNR accept natural attenuation as the final remedy for this site.

The following DNR fact sheet (RR 671, "What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater") has been included with this notification, to help explain the use of natural attenuation as a remedy. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR671.pdf. Attach a copy of factsheet RR 671.

d. ☐ Remaining soil or groundwater contamination is contributing to vapor intrusion, or to the potential for vapor intrusion of volatile organic compounds

Continuing Obligations on Your Property: As part of the cleanup, I am proposing that the following continuing obligations be used at your property, to address future exposure to residual contamination. If my closure request is approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR. See **Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed, to protect the water supply.

a. ☐ Residual soil contamination responsibilities

b. ☐ Need to abandon monitoring wells

c. ☒ ***Continued Sampling of Monitoring Wells:***
MW-13 (SEE FIGURE 1) . *Attach a well location map.*

d. ☐ A cover/engineered cover has been used as a remedial action

e. ☐ Industrial Soil Standards were used for a remedial action

f. ☐ Structural Impediment

g. ☐ Vapor mitigation system needs to be operated and maintained

h. ☐ Vapor - Dewatering system needs to be operated and maintained

i. ☐ Vapor - Compounds of concern are still in use

j. ☐ Vapor - Closure is based on commercial or industrial use (not residential use)

k. ☐ Risk of vapor intrusion for future use based on residual contamination

l. ☐ Site specific condition based on discussion with Department

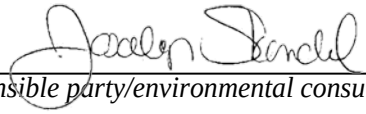
Maintenance and Audits of Continuing Obligations:
If compliance with a maintenance plan is required as part of a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR. Submittal of the inspection log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain the continuing obligation and to document that maintenance in the inspection log. Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

Well Construction Requirements:
If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at https://dnr.wi.gov/topic/Brownfields/WRRD.html. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. The property owner needs to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. A well driller can help complete this form. The well construction application, form 3300−254, is on the internet at https://dnr.wi.gov/files/PDF/forms/3300/3300-254.pdf.

Site Closure:
If the DNR grants closure, you will receive a letter which defines the specific continuing obligations on your property. The status of the site (open or closed) may also be checked by searching BRRTS on the Web. You may view or download a copy of the closure letter (sent to the responsible party) from BRRTS on the Web. You may also request a copy of the closure letter from the **responsible party** or by writing to the DNR contact, at John Sager, john.sager@wisconsin.gov, (715) 919-7239 . The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

If you have any questions regarding this notification, I can be reached at: (715) 395-6234 , jskandel@swlp.com .



Date Signed 04/26/2022

Signature of responsible party/environmental consultant for the responsible party

Attachments (third page of form)

Contact Information

Legal Description for each Parcel:

Maps:

Maintenance plan

Factsheets:

RR 819, Continuing Obligations for Environmental Protection

c) Natural Attenuation

☒ RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

List of Attachments

Attachment A: Contact Information

Attachment B: Parcel Legal Description

Attachment C: Maps

- Figure 1
- Figure 2
- Drawing A-4

Attachment D: Factsheets

- RR 819, Continuing Obligations for Environmental Protection
- RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

Attachment A

Contact Information

The affected property is:

- ○ the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ◉ a deeded property affected by contamination from the source property
- ○ a right-of-way (ROW)
- ○ a Department of Transportation (DOT) ROW

Include this completed page as an attachment with all notifications provided under sections A and B.

Contact Information

Responsible Party: The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name: Superior Water, Light, & Power (SWL&P)

Contact Person Last Name	First	MI	Phone Number (include area code)
Skandel	Joscelyn	A	(715) 395-6234

Address	City	State	ZIP Code
2915 Hill Ave	Superior	WI	54880

E-mail: jskandel@swlp.com

Name of Party Receiving Notification:

Business Name, if applicable: Wisconsin Department of Transportation (WisDOT)

Title	Last Name	First	MI	Phone Number (include area code)
Mr.	Piller	Michael		(715) 392-7925

Address	City	State	ZIP Code
1704 N 4th St.	Superior	WI	54880

Site Name and Source Property Information:

Site (Activity) Name: Superior Water Light & Power Manufactured Gas Plant (MGP)

Address	City	State	ZIP Code
800 Hill Ave	Superior	WI	54880

DNR ID # (BRRTS#)	(DATCP) ID #
02-16-275446	

Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

Environmental Consultant: Foth Infrastructure & Environment, LLC (Foth)

Contact Person Last Name	First	MI	Phone Number (include area code)
Hughes	Erin	C	(920) 412-8594

Address	City	State	ZIP Code
2121 Innovation Court, Suite 300	De Pere	WI	54115

E-mail: erin.hughes@foth.com

Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

Department of: Natural Resources (DNR) Office: Superior

Address	City	State	ZIP Code
1701 N. 4th St.	Superior	WI	54880

Contact Person Last Name	First	MI	Phone Number (include area code)
Sager	John	E	(715) 919-7239

E-mail (Firstname.Lastname@wisconsin.gov): john.sager@wisconsin.gov

Attachment B

Parcel Legal Description

Legal Property Description
Wisconsin Department of Transportation (WisDOT)

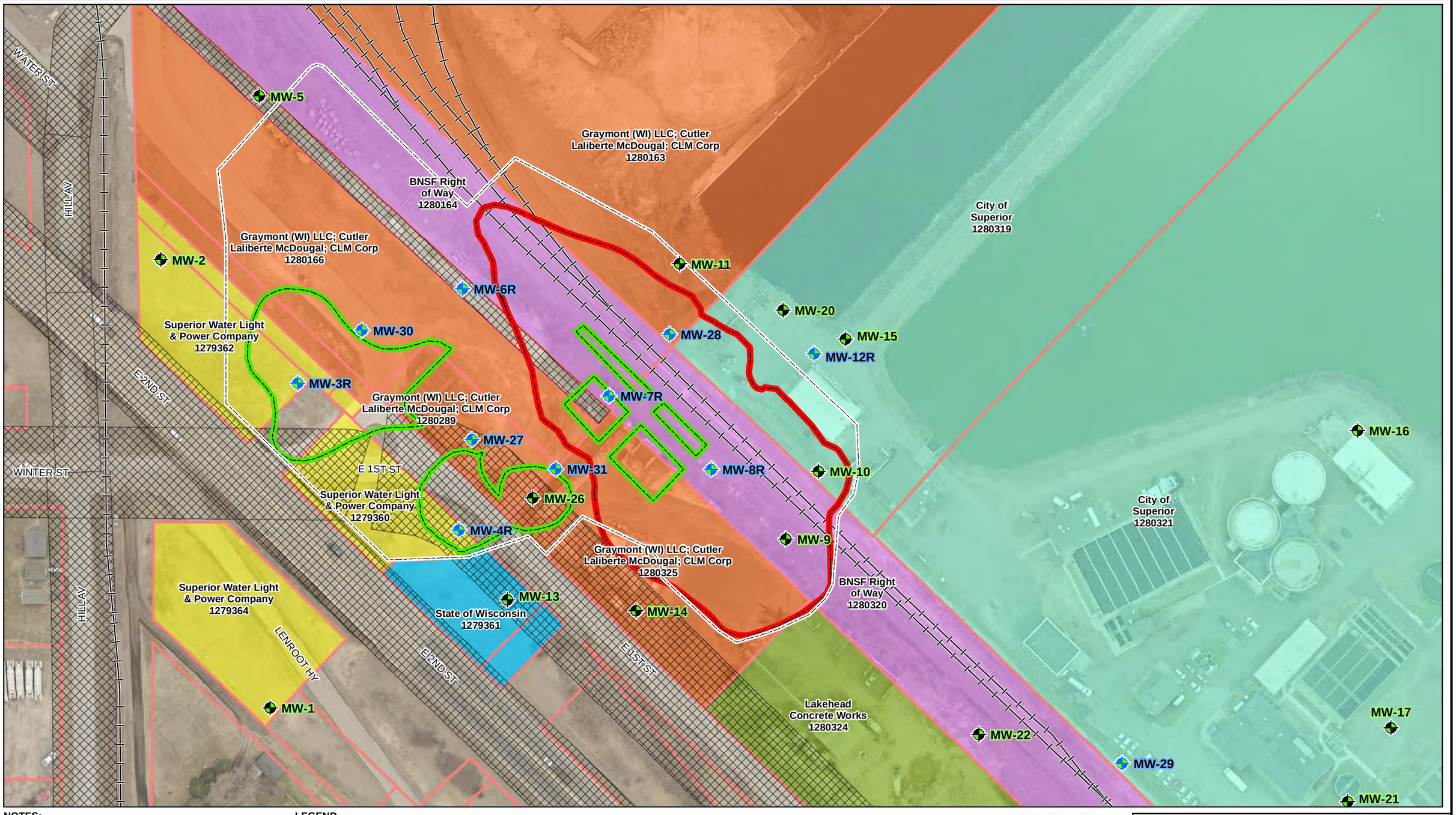
Owner	Parcel ID	Address Per Douglas County	Abbreviated Legal Description
Wisconsin Department of Transportation (WisDOT)	1279361	Vacant	ROYS ADD TO SUPERIOR CITY LOTS 11 & 12 & THAT PART OF LOT 10 BL 15 DESCR IN 266D192 & C ST VAC

Notes:
R/W = Right-Of-Way

Attachment C

Maps

Figure 1
Figure 2
Drawing A-4



NOTES:

1. 2016 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Parcels supplied by Douglas County GIS.
4. Based on conversation with the City of Superior, the strip of land between BNSF parcel 1280164 and Graymont Parcel 1280166 is unplotted land that is considered a City of Superior Right of Way.

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

LEGEND

- Proposed Monitoring Well
- Existing Monitoring Well
- Limits of Construction
- Excavation Area
- Biosparge/SVE Area
- Railroad
- City of Superior Right of Way
- Tax Parcel

Property Owner

- BNSF Right of Way
- City of Superior
- Graymont (WI) LLC; Cutler Laliberte McDougal; CLM Corp
- Lakehead Concrete Works
- Superior Water Light & Power Company
- State of Wisconsin

SW&P

Foth

N

0 50 100 Feet

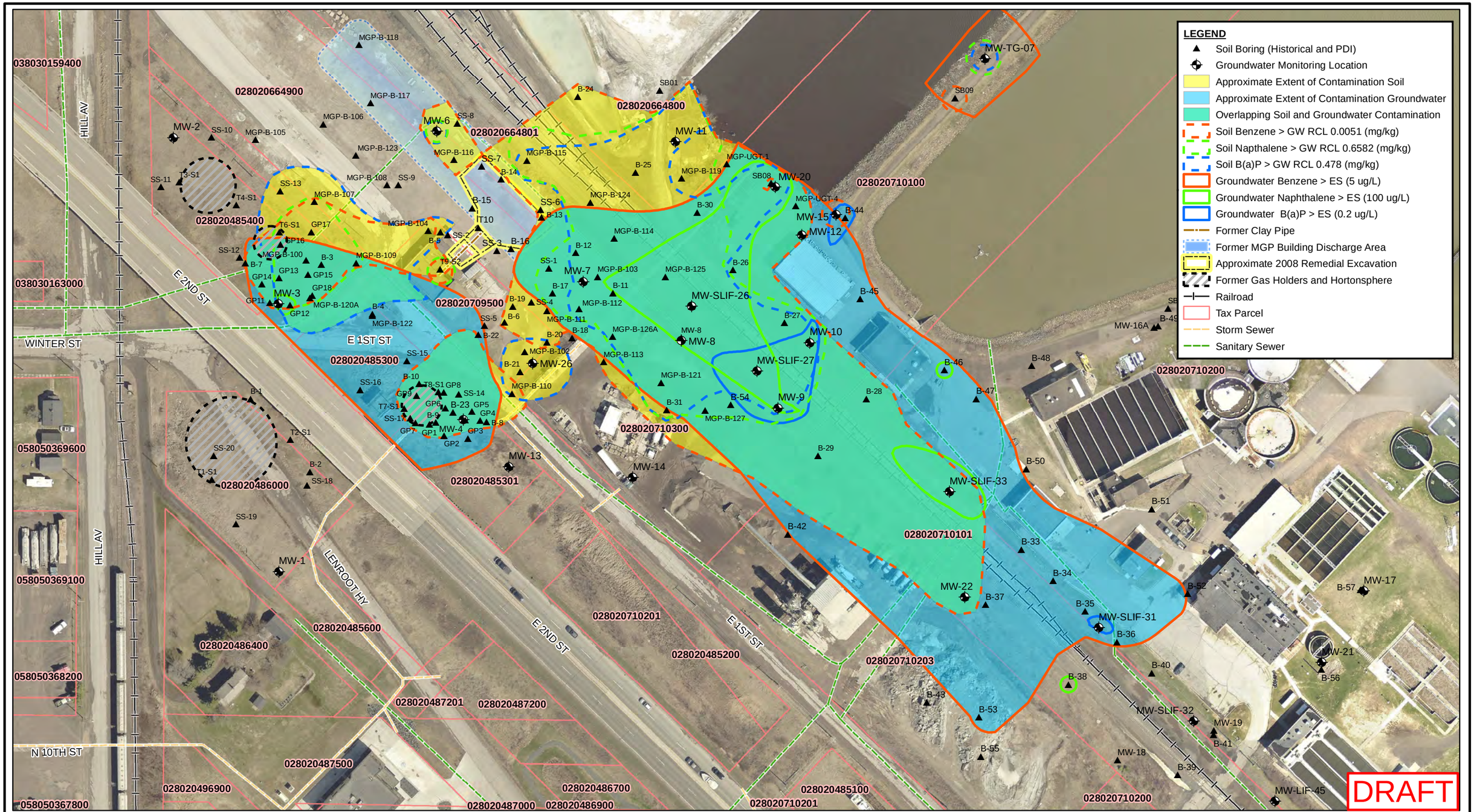
SUPERIOR WATER, LIGHT & POWER

FIGURE 1

LIMITS OF CONSTRUCTION AND AFFECTED PROPERTY OWNERS SUPERIOR, WISCONSIN

Date: NOVEMBER 2021	Revision Date:	
Drawn By: DAT	Checked By: ERH	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Stakeholder\Figure 1 - Limits of Construction and Affected Property Owners.mxd Date: 11/4/2021



NOTES:

1. 2019 - 3" resolution air photo from Douglas County.
2. Horizontal coordinate system: NAD 1983 Douglas County, units in feet.
3. Groundwater impacts were estimated based on the maximum concentration observed between the April 2017 and July 2020 (PDI) monitoring events. The extent of groundwater contamination is delineated as exceedances of the WDNR NR 140 Enforcement Standard (ES).
4. Soil impacts were estimated from historical and PDI sample data. The extent of soil contamination is delineated as exceedances of the WDNR. Industrial soil direct-contact RCL for soil 0-4 ft bgs or soil to groundwater protection RCL for soil >4 ft bgs.
5. Parcels supplied by Douglas County GIS.

Industrial Soil D-C RCL
- Benzene <7.07 mg/kg
- Naphthalene <24.1 mg/kg
- Benzo(a)pyrene <2.11 mg/kg

Soil to Groundwater Protection RCL
- Benzene <0.0051 mg/kg
- Naphthalene <0.6582 mg/kg
- Benzo(a)pyrene <0.478 mg/kg

0 50 100 Feet

N

SUPERIOR WATER, LIGHT & POWER

FIGURE 2

APPROXIMATE EXTENT OF COMBINED SOIL AND GROUNDWATER CONTAMINATION SUPERIOR, WISCONSIN

Date: APRIL 2022	Revision Date:	
Drawn By: SGL	Checked By: BDS1	Project: 18S024

Path: Q:\Superior Water Light and Power\18s024\GIS\mxd\Cont Ob Form 4400\Figure 2 - Approximate Extent of Combined Soil and Groundwater Contamination.mxd Date: 4/13/2022

153,800 E
154,000 E
154,200 E
154,400 E
154,600 E
308,600 N
308,400 N
308,200 N
308,000 N
307,800 N
N
BNSF
LIMITS OF CONSTRUCTION
TEMPORARY FENCING (UNTIL CONSTRUCTION COMPLETION) SEE DETAIL 5 A-7
VENTED PILE LAYOUT
20' ENTRY GATE
TWTS
SOIL PILES
PERMANENT CHAIN LINK FENCING SEE DETAIL 5 A-7
EXCAVATION 3 AREA
FORMER GAS HOLDER
SWL&P
GATE
BIOSPARGE/SVE AIR EQUIPMENT AREA
SOIL PILES
GRAYMONT PARKING
5 FRAC TANKS FOR TEMP WATER STORAGE
EXCAVATION 1 AREA
JACK AND BORE SVE/BIOSPARGE PIPING
REPLACE EXISTING GATES WITH 20' ENTRY GATES SEE DETAIL 5 A-7
EXISTING FENCING (REMOVE AND REPLACE)
FORMER HORTON-SPHERE
E 2ND ST.
EXCAVATION 2 AREA
CONTRACTOR STAGING AREA
E 1ST ST
BIOSPARGE AREA
ARROWHEAD CONCRETE
CITY OF SUPERIOR

LEGEND

- BOAT SLIP BOUNDARY
- EXISTING BUILDING
- FENCE
- GROUND SURFACE ELEVATION
- PROPERTY BOUNDARY
- STORM SEWER PIPE
- SANITARY SEWER PIPE
- FIBER OPTIC
- RAILROAD
- EXISTING ROADWAYS
- IMPERVIOUS AREA LIMIT
- LIMITS OF CONSTRUCTION
- TEMPORARY FENCING
- 2008 EXCAVATION AREA
- EXCAVATION AREA
- MW-11 MONITORING WELL
- BIOSPARGE AREA
- WASTEWATER TREATMENT PLANT (WWTP) PIPE
- DEWATERING WELL
- HORIZONTAL SVE PIPE
- BIOSPARGE LATERAL PIPE AND WELL
- SVE AND BIOSPARGE MAIN HEADER PIPE
- BNSF PROPERTY
- CONTRACTOR STAGING AREA
- GRAYMONT PARKING AREA
- FRAC TANK
- VENTED PILE AREA
- TWTS AREA
- VENTED PIPING AREA

NOTES:

1. HORIZONTAL COORDINATE SYSTEM: NAD 1983 DOUGLAS COUNTY, UNITS IN FEET.
2. 2016 - 3" RESOLUTION AIR PHOTO FROM DOUGLAS COUNTY.
3. STORM AND SANITARY DATE SUPPLIED BY DOUGLAS COUNTY GIS.
4. ELECTRIC, GAS AND WATER DATASETS SUPPLIED BY SUPERIOR WATER, LIGHT & POWER.
5. SEE DRAWING B-1 FOR PLACEMENT OF TEMPORARY CONSTRUCTION FENCING DURING EXCAVATION

Foth
Foth Infrastructure & Environment, LLC
2121 Innovation Court, Suite 100
P.O. Box 5095
De Pere, WI 54115-5126
Phone: 920-497-2600

SWL&P

UPLAND AREA REMEDIAL ACTION DESIGN DRAWINGS FOR THE FORMER MGP SITE

SUPERIOR WATER, LIGHT & POWER

WISCONSIN

DOUGLAS COUNTY

REVISIONS:

NO.	DESCRIPTION	DATE	BY
1			
2			
3			
4			

RECORD DRAWING OF COMPLETED CONSTRUCTION BY: _____

RECORD DRAWINGS OF COMPLETED CONSTRUCTION CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS. DATE _____ BY _____

DATE OF PREPARATION

	BY	DATE
SURVEYED		
DRAWN	JOW	JANUARY 2022
DESIGNED		
CHECKED	BDS1	JANUARY 2022

SITE LAYOUT PLAN

HORIZONTAL SCALE:
0 50' 100'

PROJECT ID: 18S024

A-4

DRAFT

$FILE$
$$DAT$$$$

Attachment D

Factsheets

RR 819, Continuing Obligations for Environmental Protection

RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

Remediation and Redevelopment Program June 2017

Continuing Obligations for Environmental Protection

Responsibilities of Wisconsin Property Owners

Wis. Stat. § 292.12

Purpose
This fact sheet is intended to help property owners understand their legal requirements under s. 292.12, Wis. Stats., regarding continuing obligations that arise due to the environmental condition of their property.

Introduction

The term "continuing obligations" refers to certain actions for which property owners are responsible following a completed environmental cleanup. They are sometimes called environmental land use controls or institutional controls. These legal obligations, such as a requirement to maintain pavement over contaminated soil, are most often found in a cleanup approval letter from the state.

Less commonly, a continuing obligation may apply where a cleanup is not yet completed but a cleanup plan has been approved, or at a property owned by a local government that is exempt from certain cleanup requirements.

What Are Continuing Obligations?

Continuing obligations are legal requirements designed to protect public health and the environment in regard to contamination that remains on a property.

Continuing obligations still apply after a property is sold. Each new owner is responsible for complying with the continuing obligations.

Background

Wisconsin, like most states, allows some contamination to remain after cleanup of soil or groundwater contamination (residual contamination). This minimizes the transportation of contamination and reduces cleanup costs while still ensuring that public health and the environment are protected.

The Department of Natural Resources (DNR), through its Remediation and Redevelopment (RR) Program, places sites or properties with residual contamination on a public database in order to provide notice to interested parties about the residual contamination and any associated continuing obligations. Please see the "Public Information" section on page 3 to learn more about the database. (Prior to June 3, 2006, the state used deed restrictions recorded at county courthouses to establish continuing obligations, and those deed restrictions have also been added into the database.)

Types of Continuing Obligations

1. **Manage Contaminated Soil that is Excavated**

   If the property owner intends to dig up an area with contaminated soil, the owner must ensure that proper soil sampling, followed by appropriate treatment or disposal, takes place. Managing contaminated soil must be done in compliance with state law and is usually done under the guidance of a private environmental professional.

2. Manage Construction of Water Supply Wells

If there is soil or groundwater contamination and the property owner plans to construct or reconstruct a water supply well, the owner must obtain prior DNR approval to ensure that well construction is designed to protect the water supply from contamination.

Other Types of Continuing Obligations

Some continuing obligations are designed specifically for conditions on individual properties. Examples include:

- keeping clean soil and vegetation over contaminated soil;
- keeping an asphalt "cover" over contaminated soil or groundwater;
- maintaining a vapor venting system; and
- notifying the state if a structural impediment (e.g. building) that restricted the cleanup is removed. The owner may then need to conduct additional state-approved environmental work.

It is common for properties with approved cleanups to have continuing obligations because the DNR generally does not require removal of all contamination.

Property owners with the types of continuing obligations described above will find these requirements described in the state's cleanup approval letter or cleanup plan approval, and *must*:

- comply with these property-specific requirements; and
- obtain the state's permission before changing portions of the property where these requirements apply.

The requirements apply whether or not the person owned the property at the time that the continuing obligations were placed on the property.

Changing a Continuing Obligation

A property owner has the option to modify a continuing obligation if environmental conditions change. For example, petroleum contamination can degrade over time and property owners may collect new samples showing that residual contamination is gone. They may then request that the DNR modify or remove a continuing obligation. Fees are required for the DNR's review of this request and for processing the change to the database ($1050 review fee, $300/$350 database fee). Fees are subject to change; current fees are found in Wis. Admin. § NR 749 online at http://docs.legis.wisconsin.gov/code/admin_code/nr/700/749.

Public Information

The DNR provides public information about continuing obligations on the Internet. This information helps property owners, purchasers, lessees and lenders understand legal requirements that apply to a property. The DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to the DNR. Site specific documents are found under the *Documents* section. The information includes maps, deeds, contaminant data and the state's closure letter. The closure letter states that no additional environmental cleanup is needed for past contamination and includes information on property-specific continuing obligations. If a cleanup has not been completed, the state's approval of the remedial action plan will contain the information about

continuing obligations.

Properties with continuing obligations can generally be located in the DNR's *RR Sites Map*. RR Sites Map provides a map view of contaminated and cleaned up sites, including sites with continuing obligations, and links to BRRTS on the Web. *BRRTS on the Web* and *RR Sites Map* are part of the Wisconsin Remediation and Redevelopment Database (WRRD) at http://dnr.wi.gov/topic/Brownfields/wrrd.html.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the documents section, the DNR's closure letter can still be obtained from a regional office. For assistance, please contact a DNR Environmental Program Associate (see the RR Program's Staff Contact web page at dnr.wi.gov/topic/Brownfields/Contact.html).

Off-Site Contamination: When Continuing Obligations Cross the Property Line

An off-site property owner is someone who owns property that has been affected by contamination that moved through soil, sediment or groundwater from another property. Wis. Stat. § 292.13 provides an exemption from environmental cleanup requirements for owners of "off-site" properties. The DNR will generally not ask off-site property owners to investigate or clean up contamination that came from a different property, as long as the property owner allows access to his or her property so that others who are responsible for the contamination may complete the cleanup.

However, off-site property owners are legally obligated to comply with continuing obligations on their property, even though they did not cause the contamination. For example, if the state approved a cleanup where the person responsible for the contamination placed clean soil over contamination on an off-site property, the owner of the off-site property must either keep that soil in place or obtain state approval before disturbing it.

Property owners and others should check the *Public Information* section above if they need to:

- determine whether and where continuing obligations exist on a property;
- review the inspection, maintenance and reporting requirements, and
- contact the DNR regarding changing that portion of the property. The person to contact is the person that approved the closure or remedial action plan.

Option for an Off-Site Liability Exemption Letter

In general, owners of off-site properties have a legal exemption from environmental cleanup requirements. This exemption does not require a state approval letter. Nonetheless, they may request a property-specific liability exemption letter from the DNR if they have enough information to show that the source of the contamination is not on their property. This letter may be helpful in real estate transactions. The fee for this letter is $700 under Chapter NR 749, Wis. Adm. Code. For more information about this option, please see the RR Program's Liability web page at dnr.wi.gov/topic/Brownfields/Liability.html.

Legal Obligations of Off-Site Property Owners

- Allow access so the person cleaning up the contamination may work on the off-site property (unless the off-site owner completes the cleanup independently).
- Comply with any required continuing obligations on the off-site property.

Required Notifications to Off-Site Property Owners

1. The person responsible for cleaning up contamination must notify affected property owners of any proposed continuing obligations on their off-site property **before** asking the DNR to approve the cleanup. This is required by law and allows the off-site owners to provide the DNR with any technical information that may be relevant to the cleanup approval.

   When circumstances are appropriate, an off-site neighbor and the person responsible for the cleanup may enter into a "legally enforceable agreement" (i.e. a contract). Under this type of private agreement, the person responsible for the contamination may also take responsibility for maintaining a continuing obligation on an off-site property. This agreement would not automatically transfer to future owners of the off-site property. The state is not a party to the agreement and cannot enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, the DNR will send a letter to the off-site owners detailing the continuing obligations that are required for their property. Property owners should inform anyone interested in buying their property about maintaining these continuing obligations. For residential property, this would be part of the real estate disclosure obligation.

More Information

For more information, please visit the RR Program's Continuing Obligations website at dnr.wi.gov/topic/Brownfields/Residual.html.

Using Natural Attenuation to Clean Up Contaminated Groundwater:
What Landowners Should Know

RR-671 December 2016

What Is Natural Attenuation?
Natural attenuation makes use of natural processes in soil and groundwater to contain the spread of contamination and to reduce the amount of contamination from chemical releases.

Natural attenuation is an *in-situ* treatment method. This means that contaminants are left in place while natural attenuation works on them. Natural attenuation is relied upon to clean up contamination that remains after the source of the contamination is removed. An example of a source of contamination would be a leaking underground petroleum tank.

How Does Natural Attenuation Work?
Natural attenuation processes work at many sites, but the rate and degree of effectiveness varies from property to property, depending upon the type of contaminants present and the physical, chemical and biological characteristics of the soil and groundwater.

Natural attenuation processes can be divided into two broad categories – destructive and non-destructive. Destructive processes destroy contaminants. The most common destructive process is **biodegradation**.

Non-destructive processes do not destroy the contaminant, but reduce contaminant concentrations in groundwater through **dilution**, **dispersion** or **adsorption**.

Biodegradation
Biodegradation is a process in which micro-organisms that naturally occur in soil and groundwater (e.g. yeast, fungi, or bacteria), break down, or degrade hazardous substances to less toxic or non-toxic substances. Microorganisms, like humans, eat and digest organic compounds for nutrition and energy (organic compounds contain carbon and hydrogen atoms).

Some types of microorganisms can digest organic substances such as fuels or solvents that are hazardous to humans. Microorganisms break down the organic contaminants into harmless products – mainly carbon dioxide and water. Once the contaminants are degraded, the microorganism populations decline because they have used their food sources. These small populations of microorganisms pose no contaminant or health risk.

Many organic contaminants, like petroleum, can be biodegraded by microorganisms in the underground environment. For example, biodegradation processes can effectively cleanse soil and groundwater of hydrocarbon fuels such as gasoline and benzene, toluene, ethylbenzene, and xylene – known as the BTEX compounds, under certain conditions.

Biodegradation can also breakdown other contaminants in groundwater such as trichloroethylene (TCE), a chlorinated solvent used in metal cleaning. However, the processes involved are harder to predict and are less effective at contaminant removal compared to petroleum-contaminated sites.

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search “brownfield”

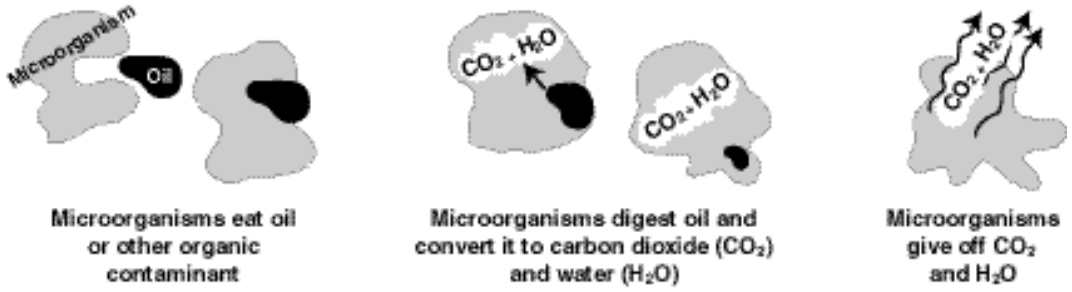


Figure 1. Schematic Diagram of Aerobic Biodegradation in Soil

Dilution and Dispersion

The effects of dilution and dispersion reduce contaminant concentrations but do not destroy contaminants. Clean water from the surface seeps underground to mix with and dilute contaminated groundwater.

Other processes that lead to reduced concentrations of contaminants include clean groundwater flowing into contaminated areas, and the dispersion of pollutants as they spread out and away from the main path of the contaminated plume.

Adsorption

Adsorption occurs when contaminants attach or "sorb" to underground particles. Most oily substances (like petroleum compounds) repel water and escape from the groundwater by attaching to organic matter and clay minerals in the subsurface.

This process holds back or retards contaminant movement and reduces the concentration of contaminants in the groundwater. However, like dilution and dispersion, adsorption does not destroy contaminants.

Why Consider Natural Attenuation To Clean Up Soil And Groundwater?

In certain situations, natural attenuation is an effective, inexpensive cleanup option and the most appropriate way to remediate some contamination problems. Natural attenuation focuses on confirming and monitoring natural remediation processes rather than relying on engineered or "active" technologies (such as pumping groundwater, treating it above ground, then disposing of the treated water).

Contaminants from petroleum are good candidates for natural attenuation because they are among the most easily destroyed by biodegradation. Natural attenuation is non-invasive, which allows treatment to go on below ground, while the surface can continue to be used.

Natural attenuation can also be less costly than active engineered treatment options, and requires no special equipment, energy source, or disposal of treated soil or groundwater.

Will Natural Attenuation Work At My Property?

Whether natural attenuation will work at a particular location is determined by investigating the soil and groundwater. These investigations determine the type of contaminants present, the levels of contamination, and the physical and chemical conditions that lead to biodegradation of the contaminants.

In order to rely on natural attenuation, responsible parties are required to confirm that natural attenuation processes are working by monitoring the soil and groundwater over a period of time to show that the contaminant concentrations are decreasing and that the contamination is no longer spreading.

Those conducting the cleanup need to know whether natural attenuation, or any proposed remedy, will reduce the contaminant concentrations in the soil and groundwater to legally acceptable limits within a reasonable period of time.

Natural attenuation may be an acceptable option for sites where active remediation has occurred and has reduced the concentration of contaminants (for instance, removing leaking underground tanks and contaminated soil).

However, natural attenuation is not an appropriate option at all sites. If the contamination has affected a drinking water well, or has entered a stream or lake, active cleanup options may be necessary to make sure people and the environment are protected from direct contact with the contamination.

The speed or rate of natural attenuation processes is typically slow. Monitoring is necessary to show that concentrations decrease at a sufficient rate to ensure that contaminants will not become a health threat in the future.

Closure Of Contaminated Sites Using Natural Attenuation As A Final Remedy

When contamination is discovered at a property (such as a gas station with leaking underground tanks), the person who is responsible for causing the contamination, and persons having possession or control of hazardous substances that have been discharged, have the responsibility to remove the source of contamination and investigate and clean up the contamination that has escaped into the soil and groundwater.

The contaminant release must be reported to the Wisconsin Department of Natural Resources (DNR) and the site investigation and cleanup are overseen by a state agency. Depending on the type of contaminant, the oversight agency could be the Department of Agriculture, Trade and Consumer Protection or Department of Natural Resources.

When the cleanup has complied with state standards, the person responsible for the contamination will ask the state agency for closure of the case. If natural attenuation is relied upon to finish cleaning up a contaminated property after closure, the responsible person will need to show that contaminant concentrations are not spreading, that contaminant concentrations are stable or decreasing, and that the concentrations will decrease in the future until state groundwater standards are met.

Because natural attenuation processes are slow, it may take many years before the properties with contamination are clean. State rules require that all owners of properties where groundwater contamination has spread must be informed of the contamination below their property.

In addition, the properties with groundwater contamination exceeding state groundwater enforcement standards must be listed on a database to notify future owners and developers of the presence of contamination. If future monitoring occurs and shows that natural attenuation processes have removed the contaminants to state-required cleanup levels, then the properties can be removed from the database.

The state agency will grant closure if the site investigation and monitoring shows that natural attenuation will clean up groundwater to state standards within a reasonable period of time. All state rules for cleanup must be met and the person who is responsible for the contamination must comply with all conditions of the state's closure approval.

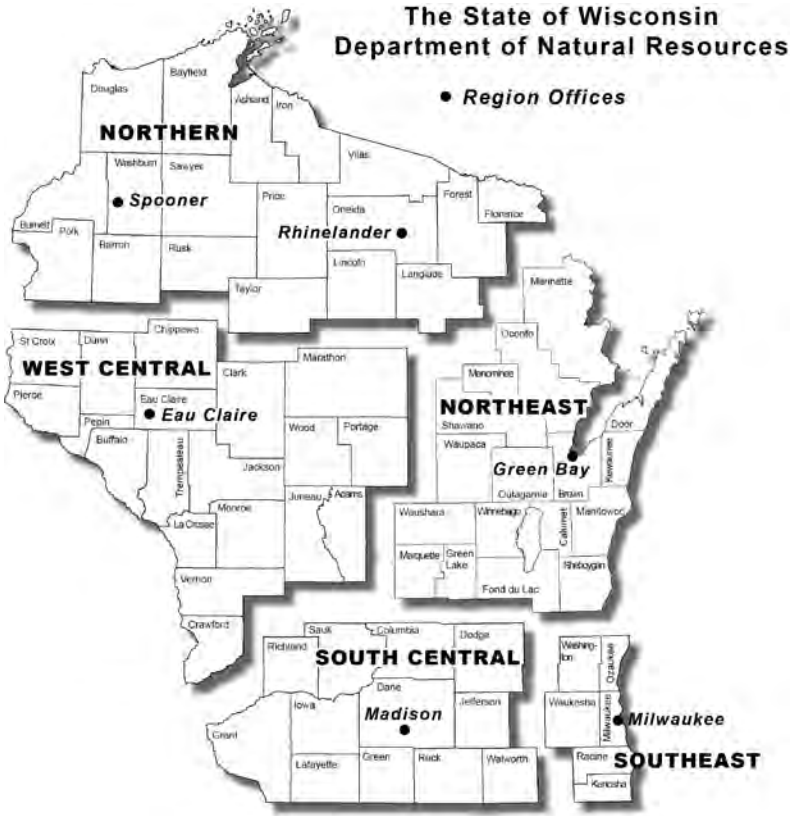
Publications

The following publications provide additional information on natural attenuation. Websites where these can be downloaded free of charge are also listed.

- *A Citizen's Guide to Bioremediation*, September 2012, EPA 542-F-12-003; https://www.epa.gov/sites/production/files/2015-04/documents/a_citizens_guide_to_bioremediation.pdf
- *Commonly Asked Questions Regarding the Use of Natural Attenuation for Petroleum-Contaminated Sites at Federal Facilities*, www.clu-in.org/download/techfocus/na/na-petrol.pdf
- *Monitored Natural Attenuation of Petroleum Hydrocarbons: U.S. EPA Remedial Technology Fact Sheet*, May 1999, EPA 600-F-98-021; www.clu-in.org/download/remed/pet-hyd.pdf
- *Monitored Natural Attenuation of Chlorinated Solvents*, May 1999, EPA 600-F-98-0022; www.clu-in.org/download/remed/chl-solv.pdf
- *Guidance on Natural Attenuation for Petroleum Releases, WI DNR, Bureau for Remediation and Redevelopment*, March 2003, PUB-RR-614; dnr.wi.gov/files/PDF/pubs/rr/RR614.pdf

Contact Information

If you have questions about natural attenuation contact a DNR Environmental Program Associate (EPA) in your local DNR regional office. The EPA can direct you to a project manager.



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

From: UPS
To: Susan Romans (ALLETE)
Subject: [EXTERNAL MAIL] UPS Delivery Notification, Tracking Number 1Z5609240174213949
Date: Thursday, May 5, 2022 10:12:24 AM

Hello, your package has been delivered.

Delivery Date: Thursday, 05/05/2022
Delivery Time: 10:11 AM
Signed by: SLICK

MN POWER HEADQUATERS

TRACKING NUMBER: WISCONSIN DEPT OF TRANSPORTATION

Tracking Number:	**1Z5609240174213949**
Ship To:	WISCONSIN DEPT OF TRANSPORTATION 1704 N. 4TH ST SUPERIOR, WI 54880 US
Number of Packages:	1
UPS Service:	UPS Next Day Air®
Package Weight:	1.0 LBS
Reference Number:	0960-2325310-4420

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