

From: [BN](#)
To: [Graham, Joseph R - DNR](#)
Cc: [ptracey](#); [Nick Rosier](#)
Subject: Re: Request for Information - Tower Avenue Slip, Superior, WI, BRRTS # 11-16-591466 (2)
Date: Tuesday, April 09, 2024 7:22:05 PM

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Note: The Questionnaire is answered in BLUE font in the previous email.

From: BN <bnarog@osienv.com>
Sent: Tuesday, April 9, 2024 7:17:59 PM
To: Joseph.Graham@wisconsin.gov <Joseph.Graham@wisconsin.gov>
Subject: Fw: Request for Information - Tower Avenue Slip, Superior, WI, BRRTS # 11-16-591466 (2)

Additional supporting documents...

1. Identify the current owner and operator of the *Site. State the dates during which the current owner and operator owned, operated, leased, or occupied any portion of the Site and provide copies of all documents evidencing such ownership, operation, lease, or occupation, including but not limited to purchase and sale agreements, deeds, leases, etc.

***Leased Site: Lots 17-22, Block 153, West Superior, First Division**

Current Owner: Heimbach Leasing - 211 Hughitt Ave - Superior, WI (2002 - Present)

Current Operator: *OSI Environmental, Inc. 300 Fayal Rd - Eveleth, MN (1999 - Present)

2. Identify any persons who in addition to the owner/operator exercises actual control over the Site or who holds significant authority to control activities at the Site.

No one other than the owner and operator of the property holds significant authority to control activities at the site.

3. Identify any legal or equitable interest that you now have, or previously had, in the Site and describe the nature of any such interest, including when, how, and from whom such interest was obtained as well as when, how, and to whom such interest was conveyed. Provide documentation evidencing the acquisition or conveyance of any identified interest.

In March of 2002, OSI Environmental, Inc. explored the possibility of purchasing the site (Lots 17-22 only) but did not follow through and was able to continue the lease agreement with the new owner (Heimbach Leasing).

4. Identify all hazardous substance discharges that have occurred at or from the Site and other actual or potential environmental pollution that has been found at the Site, including any hazardous substance discharge into, or environmental pollution found in, a subsurface disposal system or floor drain inside or under any building at the Site. Provide all documentation including reports and data related to hazardous substance discharges and actual or potential environmental pollution of soil, sediment, water (ground or surface) or air quality at or around the Site.

Since OSI Environmental began operations at the site in 1999, there have been no reportable spills outside of the HPDE 60 mil poly lined containment system (Installed by J.C. Ramsdell Enviro Services, Inc, of Flandreau, South Dakota), which was installed prior to any operational activity at the site. There are no known subsurface disposal systems or floor drainage systems. There is no known soil pollution other than some staining of the gravel immediately next to the pump house (within the lined containment area) where external hose connections are made during transfers. Additionally, a boiler used to heat (“heat transfer oil”) which was run through above ground lines to tank #6402 for the purposes of heating the oil in the tank prior to delivery, was removed from the boiler house in 2023. The floor in the boiler house has visible oil stains from historical use of this boiler but does not extend beyond the covered structure.

5. If you are the current owner and/or current operator of the Site, did you acquire or operate the Site or any portion of the Site after the discharge of any hazardous substance on or at the Site? Did you know or have reason to know of any discharge of any hazardous substance on or at the Site before acquiring or operating the Site? Describe all environmental investigations of the Site you undertook before acquiring or operating the Site and provide all documentation of investigations performed.

As the current operator of the site, OSI Environmental was not aware of any discharge of hazardous substance on or at the site before operating. OSI Environmental was aware that the entire area (this part of the City of Superior) has had a very long history of industrial and shipping activity. OSI’s main concern was that any activity undertaken by OSI would not in any way contribute to any possible contamination that may exist on the site - or the area. That is

why (in addition to the SPCC requirement) OSI Environmental invested significant capital in a professionally installed containment system and equipment at the site prior to operating.

6. Identify all prior owners of the Site. For each prior owner, further identify:
Richard R. Smith - Box 291 - Hammond, WI 54015
Minnesota Power
Superior Water and Light
 - a. The dates of ownership,
Circa 2002 (dates unknown)
 - b. All evidence showing that each identified owner controlled the Site; and
Unknown
 - c. All evidence of any hazardous substance discharge or environmental pollution (including coal) at or from the Site and/or its solid waste units during the period that each identified owner owned the Site.
Unknown
7. Identify all prior operators of the Site, including lessors. For each prior operator, further identify:
Unknown
 - a. The dates of operation,
Unknown
 - b. The nature of prior operations at the Site,
Unknown & Power Generation & #6 oil Storage
 - c. All evidence that each identified operator controlled the Site; and
Unknown
 - d. All evidence of any hazardous substance discharge or environmental pollution (including coal) at or from the Site and/or its solid waste units during the period that each identified operator operated the Site.
Unknown

8. Describe the nature of your activities, business, or operations at the Site with respect to generating, transporting, storing, treating, or disposing hazardous substances or solid or hazardous waste (including coal) at the Site.

Since 1999, OSI Environmental has used the site for the specific purpose of storing collected used oil for marketing as a burner fuel primarily to the asphalt industry. Since operations began, OSI has employed (1) driver who operates out of the site with his collection truck to bring used oil into the facility from a variety of sources (car dealerships, quick lubes, commercial and industrial accounts, etc.). Other activities include outbound shipments of used oil (via contract carrier) and internal (company) transfers of inventory via OSI owned equipment. The only “process” that occurs at the facility besides storage, is filtration of the used oil as the truck is off-loaded and water (gravity) separation. No disposal or treatment activities of any kind occur at the site.

9. If any hazardous substances or solid or hazardous waste (including coal) was ever generated, transported, stored, treated, or disposed of at the Site, identify and provide all documentation which relates to: (a) the type, quantity, chemical composition, characteristics and physical state (e.g., solid, liquid) of hazardous substances or solid or hazardous waste generated, transported, stored, treated or disposed of at the Site and the dates that such activities occurred; (b) the identity of all persons who generated, transported, treated, stored, or disposed of such substances or waste at the Site; and (3) the identity of all subsidiary or parent corporations of identified persons.

The only waste generated at the site is used oil filter sludge and used oil tank bottoms from tank cleaning (infrequent). These wastes are also shipped for recycling as a non-hazardous used oil fuel.

10. Describe with specificity all occurrences where a Site owner, operator, or person in control over the Site was determined by a federal, state, or local authority to have violated any environmental law or where any environmental violation or deficiency was discovered at the Site, including any violation or deficiency that resulted in the issuance of a citation or the commencement of any enforcement or legal action. Identify the federal, state, and local authorities involved in each identified occurrence. Provide all documentation related to each identified occurrence.

None.

11. Provide a list of all local, state, and federal environmental permits ever granted for the Site or any part thereof (e.g., Resource Conservation and Recovery Act (RCRA) permits, National Pollutant Discharge Elimination System (NPDES) permits, etc.).

Site# 15400 - FID: 816114200
NPDES - General Permit No. WI-S067857-5 effective through June 2, 2025.
EPA Notification (WIR 000 039 768)
EPA (Region 5) Facility Response Plan

12. Did the Site ever file a Hazardous Waste Activity Notification under the Resource Conservation and Recovery Act (RCRA)? If so, provide documentation of such notification.

Yes, Attached.

13. Did the Site ever have “interim status” under the Resource Conservation or Recovery Act (RCRA)? If so, and the Site does not currently have interim status, describe the circumstances under which the Site lost interim status. N/A

14. Provide the following information about the Site, if applicable:
- Property boundaries, including a written legal description, (See Attached)
 - Location of underground utilities (telephone, electrical, sewer, water main, etc.), (See Attached)

- c. Surface structures (e.g., buildings, tanks, etc.), (See Attached)
- d. Groundwater wells, including drilling logs, (None Known)
- e. Storm water drainage systems, and sanitary sewer systems, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied, (See Attached City of Superior Storm Sewer Diagrams)
- f. All additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., prior removal or excavation of contaminated soil or sediment); and any planned additions, demolitions or other changes to the site,

At the time of signing the lease agreement in 1999, the site consisted of (1) 1 million gallon steel storage tank with a steel secondary containment ring and a historical pumphouse attached to the containment ring (now used as a storage shed for lawnmower and spill response supplies).

OSI made no demolitions to any structures on the site. OSI had constructed on-site the following structures >1999: 1) The 60mil HPDE Poly Lined Secondary Containment System for (3) additional aboveground tanks. 2) The 'new' pumphouse (on secondary containment). 3) The gravel driveway leading to the pumphouse (also on secondary containment). 4) The Boiler House structure to the North of the pumphouse (the boiler was removed, and natural gas line disconnected in 2023). No known contaminated soil was removed from the site. No additions, demolitions or other changes are planned.

- g. Geology and hydrogeology at and around the Site, Unknown
- h. Maps and drawings of the Site depicting the property boundaries and property features identified above; and
- i. Photographs of the Site, past and present, including aerial photographs. (See Attached)

15. Describe the conditions of any physical plant facility at the Site during the years each operator operated at the Site, including the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected monthly), adherence to procedures (improper handling of chemicals, incomplete/absent policies, quality of supervision), and management of the plant.

The conditions of the facility are well maintained and in good working order. Since 1999, OSI has maintained the facility to meet regulatory standards and general upkeep. All transfers of product by OSI have been through aboveground hard-plumbed pipes, outside of the vehicle transfer hose at the pumphouse. OSI maintains all records of inspection required by SPCC regulations and stormwater discharge regulations for the site. Additionally, OSI is required to have a Region 5 EPA approved Facility Response Plan for the facility. As a Spill Response Organization (approved by the U.S.C.G) OSI is required (under both EPA and the USCG) to conduct training, spill response exercises and drills. (See Attached)

16. Are you or your consultants planning to perform any investigations of the soil, sediment, water (ground or surface), geology, hydrology or air quality on or about the Site? Provide all documentation concerning any investigation you have conducted or plan to conduct at or around the Site.

OSI Environmental has not conducted any investigations and does not plan to at or around the site.

17. Describe all potential pathways for migration of contamination, including airborne deposition, drainage improvements, utility corridors, sediments, bedrock and permeable material or soil along which dust/particulate, vapors, and free product may flow as well as potential pathways contaminated water may flow.

See Attached Facility Drainage Diagram