



February 29, 2024

Ms. Meaghan Kern and Mr. Benjamin Klein
U.S. EPA Great Lakes National Program Office
77 W. Jackson Blvd. G-9J
Chicago, IL 60604

{Sent electronically to Kern.Meaghan@epa.gov and Klein.Benjamin@epa.gov }

Subject: Responses to Technical Review Committee Questions on Proposal for the Remedial Design(s) for Contaminated Sediments in the Superior Slips, St. Louis River Area of Concern, Superior, Wisconsin

Dear Meaghan and Ben,

On behalf of the Wisconsin Department of Natural Resources (WDNR) I want to thank you and other members of the technical review committee (TRC) for Great Lakes Legacy Act project proposals for the opportunity to present on the next stage of work to advance the sediment contamination in the Superior Slips towards remedial action. It was my pleasure to discuss the proposed project, *Remedial Design(s) for Contaminated Sediments in the Superior Slips*, with you on January 19, 2024. Mr. Klein relayed the TRC's comments to me by email on February 5, 2024 in a document titled *Superior Slips TRC-Lite Questions for WDNR*.

Below are the WDNR responses to the TRC comments. Our responses include additional information based on initial feedback from you that the EPA desired an interim step before starting design with focused efforts for partner recruitment and additional pre-design activities. The TRC's questions and WDNR responses are presented below using the same numbers in the February 5th document. Supporting information is attached when noted.

Question 1: Provide a detailed timeline for partnership recruitment and how this aligns with design timeline.

Response 1: The timeline for partnership recruitment will be continuous and indefinite until sufficient nonfederal sponsor (NFS) support and funding are identified for implementation. Currently, WDNR is interested in a single effort for the Superior Slips with multiple NFSs. However, WDNR is unable to adequately predict the amount of additional NFS funding necessary or readily secure additional project partners for implementation unless EPA can be more transparent with its total project expenditures on other GLLA projects in the St. Louis River Area of Concern (SLRAOC) where WDNR or other potential NFSs are signatory as a nonfederal sponsor. EPA's turnaround for final accounting on GLLA projects and confirmation of any available overmatch for the Wisconsin portion of the SLRAOC is a concern for WDNR and other potential NFSs. How does the EPA's timeline for the final accounting on other GLLA projects align with the overall efforts in the SLRAOC? Attached is an anticipated schedule for partner recruitment and design.

Question 2: Has the project team considered selecting a single dredging approach with a single sediment management area?

Response 2: Yes. The same location was used as the conceptual area for sediment management in the Remedial Action Options Reports (RAORs) for all three slips. Attached is a draft figure prepared for public outreach to illustrate the remedial construction process.

Question 2.a.: Consider utilizing a single sediment processing area for all three projects, update cost estimates to incorporate efficiencies for shared dewatering infrastructure/methods.

Response 2.a.: The technical, regulatory, and administrative feasibility of a single location will be explored during additional pre-design activities that will be proposed. The cost estimate will be updated during design to identify any economies of scale when a location is vetted and deemed viable for implementation.

Question 3: Consider placement of a residual cap wherever in-situ contaminated sediment will be left in-place, the cap should be sufficiently robust to address the unique constraints (e.g., navigation traffic, contamination levels).

Response 3: The RAORs assumed the placement of a sand cover, as defined in Wis. Stats. § 292.01(17m) for managing dredged residuals. WDNR generally does not use the term cap when referring to material placed for residuals management since engineering controls, such as caps, are defined and treated differently under state law.

Question 4: Consider adding a discussion of benthic habitat suitability to the reports. Additionally, consider adjusting the evaluation criteria ranking for Restoration Timeframe.

Response 4: DNR will consider adding this where possible. The RAORs and its precursor deliverables from the WDNR consultant were submitted to EPA for comment before finalizing the documents. There is no remaining effort for minor modifications of the RAORs. If necessary, discussion about benthic habitat suitability can be included in any decision documents or RAOR addendums regarding remedy selection, basis of design, or design documentation reports. EPA should know that there is no specific recovery target for the benthic macroinvertebrate community within industrial slips in the SLRAOC due to the physical habitat constraints. However, our position is that the sediment quality, particularly the chemical characteristics of sediment in the slip, must be able to support a reasonably healthy benthic community as if the physical stressors were not present.

Question 5: Address inconsistencies in the interpolation during design phase, consider conducting a data gaps investigation (particularly around all areas identified as hot spots), and/or remediate homogenous units based on sediment properties and the Conceptual Site Model rather than remediating based on interpolation of limited discrete sampling points.

Response 5: WDNR understands the comment and will consider this during an additional pre-design phase. WDNR plans to re-evaluate tributyltin cleanup levels and investigate additional data gaps. Additionally, we would like to clarify the use of discrete data in the RAORs. Discrete data was intentionally used to delineate cleanup areas for select metals and individual polycyclic aromatic hydrocarbon (PAH) compounds that contribute to restrictions on dredging. The number of parameters where the contaminant plumes were modeled was limited due to consideration of the costs, time, and uncertainty of predictive spatial models as a single line of evidence.

Question 6 & 6a.: The basis quantitative rankings of evaluation criteria used in selection of alternatives was unclear. 6.a. Provide justification for the minor scoring difference between the two proposed alternatives. Otherwise, consider utilizing a smaller scale for rankings (e.g., 1 through 5) to avoid arbitrarily tipping the scales in favoring one alternative over the other.

Response 6 & 6a.: A 20-point scoring matrix with equitable contribution provided to each criterion was used to differentiate between alternatives that score similarly on a 5-point system. Several options were similarly scored from the initial screening of alternatives, and efficacy was predicted to be comparable. The scoring system allows for comparing alternatives that generally score close for each criterion. For example, alternatives that scored 16 or 17 have equitable efficacy, but compared to one another, a 17 is more likely to succeed and/or be constructible compared to a 16. Scoring is subjective and based on the scorers' experience, previous lessons learned, cost, and constructability. Scores were discussed by the team, including WDNR and GLNPO representatives, for corroboration and refinement.

Question 7: WDNR please explain the decision matrix and why a full engineered cap did not receive a higher core for each slip?

Response 7: See bulleted items below.

- An engineered cap temporarily interrupts the potential exposure pathway(s) (near-term and potentially long-term) but does not permanently remove the potential for future exposure and/or risk compared to dredging alternatives.
- The expected lifespan of the engineered cap is relatively low without significant armoring and operation and maintenance (O&M) if constructed in a commercial slip.
- No clear owner could be identified who would be responsible for inspection, operation, and maintenance of the cap once constructed. WDNR cannot assume fiscal responsibility and liability for these O&M efforts in the near term or perpetuity.
- The probability of scour, prop wash, ice, and other events to occur and cause damage to the cap minimizes the long-term efficacy of an engineered cap compared to dredging the sediments.
- As the contaminated sediment remains onsite with an engineered cap alternative, both regulator and stakeholder acceptance were scored lower than dredging alternatives that remove the risk-based pollutants.
- An engineered cap would be difficult to construct and stabilize in these commercial slips without regrading the contaminated sediment, which is not permissible under Wisconsin's public trust doctrine for navigable waters. In many areas, the slope face is steep (1:1) and drops off 15-25-ft assuming the contaminated sediment could be moved to construct an engineered cap.
- The RAORs were developed under the assumption of a worst-case scenario that WDNR may not find additional NFSs and constraints on its anticipated funding source. Wisconsin law allows WDNR to fund sediment cleanups in specific areas and allocates set amounts of bonding authority for remedial construction (i.e., sediment bonding authority). However, the law, Wis. Stats. § 281.87, and the funds appropriated under it are limited to projects that remove contaminated sediment from the Great Lakes or their tributaries. In addition, Wisconsin's standards for selecting remedial actions require significant consideration of options that provide long-term sustainability where WDNR funds the action, Wis. Admin. Code § NR 720.05(2)(c). The WDNR is not authorized and does not have funding for the long-term operation and maintenance of engineering controls at sediment sites, making capping options unsustainable. Alternatives were scored considering that the anticipated state funding source can only be used for removal and that DNR must give significant consideration to options that provide long-term sustainability. Capping can be revisited as an option if another NFS funds the construction and is responsible for the long-term operation and maintenance of the engineered cap.

Question 8: Figure 5 in the Proposal/Design document indicates that there are tributyltin samples taken in 2023 at the Tower Avenue Slip outside of the proposed dredge prisms that exceed 3-5x PEC values and the PRG. The figures are dated 1/17/2024 and not included in the Tower Slips RAOR, so this data was presumably not considered during the development selection of RAOs. How will the final design take into account this new data? Will new RAOs be developed and evaluated?

Response 8: WDNR plans to use the 2023 data and data from an additional data gap investigation to revisit the tributyltin cleanup levels or preliminary remedial goals (PRGs), not necessarily the remedial action objectives (RAOs).

Question 9: The Tower Avenue slip has 6 active storm sewers which potentially relate to identified COCs. How will WDNR show that the contaminants are not a significant continuous source?

Response 9: The WDNR plans to evaluate historical and contemporary loading for pollutants via storm sewers as part of additional pre-design activities. WDNR will work with the City of Superior to obtain data for current

conditions. WDNR may collaborate with USGS on the application of an existing model for stormwater loads that was used for a similar assessment WDNR performed for the Howards Bay GLLA project. In addition, the city previously scoped a stormwater pond ahead of the largest outfall to this slip. The city meets pollutant removal requirements under its MS4 permit and is interested in providing additional treatment to go above and beyond those levels. WDNR and the city are discussing the construction of the stormwater pond as a potential in-kind contribution to a GLLA project. Had a pond been in place when the 1981 petroleum release entered the slip, it could have been a strategic control point to keep contamination from reaching the slip. WDNR would like to include some investigation, evaluation, and scoping for pond construction as a pre-design activity under a GLLA project.

Question 10: The presentation indicated that there are source control concerns for the Superior Slips and that WDNR would take the lead on confirming sources are controlled before the proposed remedial design is implemented. Will WDNR or its contractor be writing the memo-to-file required by the GLLA to document that sources are reasonably well-controlled before remedial action?

Response 10: WDNR intends to submit a letter to the EPA on source identification and control to support a future proposal for remedial action. Supporting documentation, including but not limited to a memo, will likely be prepared by WDNR or its consultant as part of the source control evaluation mentioned in our response to comment 9.

Question 11: Please provide update on the final activities WDNR plans to complete under the current cooperative agreement.

Response 11: Under the current agreement, the WDNR plans to complete public participation on the remedies recommended in the RAORs for the Superior Slips and the geotechnical investigation for the C Street slip. The ongoing efforts for partner recruitment and preliminary design are proposed to be expanded and continued under any agreements resulting from this proposal.

Question 12: What specific steps for partnership recruitment have taken place and what else is planned under the current cooperative agreement?

Response 12: WDNR has sent requests for information to the parties identified in the attached tables for each slip and is still awaiting responses for the Tower Avenue slip. WDNR plans to have an informational meeting with potential partners in May 2024 and to continue dialogue with BP and others we are already engaging. An example request for information letter and the associated response are attached without responsive documents (maps, deeds, etc.).

Question 13: Please describe the critical missing technical data gaps that WDNR feels are a priority before entering into the design phase.

Response 13: Listed in order of priority below.

- Source control investigations and evaluations:
 - Stormwater outfalls
 - Suspected LNAPL plume and groundwater to surface water pathway at Oil Barge Dock slip.
- Sediment data gaps to refine cleanup areas and volumes (approx. 25 cores total for all three slips for parameters with PRGs or dredging BUI)
- Additional evaluation and risk assessment for tributyltin with associated outputs (e.g., report, revised PRGs, model plumes, revise dredge prisms).
- Upland investigation and evaluation of stormwater pond for largest stormwater outfall.

- Alternatives analysis and planning for sediment management area(s), including surveys (wetland, topo, geotechnical, cultural, and endangered resources).
- Further evaluation of a potential confined disposal facility (CDF) and field investigation to further explore feasibility and develop as a lower-cost option for material disposal.
- Updated surveys (bathymetric, topographic, features, utilities, etc.).
- Preapplication meetings and surveys for permits (WDNR & USACE regulatory, cultural resources, endangered resources, wetlands).
- Traffic study for the sediment management area and potential haul routes.

Question 14: The presentation indicated that there will be less tons than CY of sediment dredged after dewatering and processing, will WDNR work this into the design? If WDNR intends to do pre-design work as a next step, it should be included there as well.

Response 14: The RAORs utilized the results from treatability testing of sediment that is representative of the material proposed to be dredged and this information will be considered in design. WDNR does not currently anticipate doing additional treatability testing for design and expects the construction contractor(s) may conduct their own treatability tests as needed based on their means and methods for construction.

Question 14.a. The contractor provided back-up information for this assumption based on past projects.

Response 14.a. DNR's consultant AECOM provided a list of similar projects where ex situ Calciment amendments have been used with reductions in disposal volumes realized for disposal, compared to in situ volumes. The specific details were conveyed in emails exchanged between Joe Graham, Heather Williams, Meaghan Kern, and Ben Klein (attached).

Please let me know if you need further clarification or have additional questions. I can be reached at (715) 292-4925 or by email at joseph.graham@wisconsin.gov.

We look forward to working with EPA to refine the scope for the next phase of work to address contaminated sediments in the Superior Slips and in building partnerships to realize a cooperative remedial action.

Sincerely,



Joseph Graham
Project Manager

Attachments:

1. Response 1: Schedule for partner recruitment and design
2. Response 2: Draft public outreach figure on material handling and processing
3. Response 12: Tables who DNR sent request for information to and why
4. Response 12: Example request for information sent by DNR
5. Response 12: Example of response to RFI received by DNR
6. Response 14: Emails on Calciment and example projects

Attachment 1. Response 1

Overall estimated schedule (revised February 2024 based on TRC comments dated 02/05/2024)

Year	Month	FFY	Milestone	Project Phase
2024	Jan	2024	TRC Presentation	FS-PD
	Feb		Response to TRC Comments	FS-PD
	Mar		Grant Amendment Processing	FS-PD
	Apr		Public Meeting on RAORs	FS-PD
	May		Informational meeting for potential NFS Geotechnical Investigation for C Street Slip	FS-PD
	June		Grant Award Consultant Contract Award	PDI
	July		Potential NFS Meeting PDI Workplan & QAPP	
	Aug		Start Field Work PDI Investigations	
	Sept		Potential NFS Meeting	
	Oct		Preliminary Data Gap Results Preliminary PDI Reports	
	Nov		Potential NFS Meeting Evaluate NFS Recruitment Status	
	Dec			
2025	Jan	2025	Engage willing NFS Start NFS Negotiations for RD + RA Final PDI Reports	
	Feb		Identify remedies for design	
	Mar		RD + RA GLLA Application	
	June		GLLA PA Execution	
	July		Start Design	
	Oct		2026	75% Design
	Nov			Pre-Final Design
	Dec			Final Design & Bid Package
Jan	Request for Bids			
2026	Feb	Bids due – 60 days	RD + RA	
	Mar			
	Apr			
	May	Construction Contract Award		
	June	Notice to Proceed		
	July	Start construction		

FFY – Federal Fiscal Year

PS – Professional Services

RFP – Request for Proposals

PDI – Pre-design Investigation (this proposal)

FS-PD – Feasibility & Preliminary Design (existing cooperative agreement)

RD – Remedial Design (potential future proposal)

RA – Remedial Action (potential future proposal)

NFS – Nonfederal sponsor

A hopper barge loaded with contaminated sediment carefully follows the designated path towards the management area.

Empty hopper barges wait in a staging area.

Turbidity Barriers

Hopper barges full of sediment wait here to unload

Sediment is loaded from the equipment barge onto a hopper barge.

Contaminated sediment is unloaded into a treatment area to be processed before loading onto trucks and shipped to a landfill.



Turbidity Barrier

The photo to the right shows a barge dredging sediment in an area protected by a turbidity barrier. A turbidity barrier is an underwater curtain designed to control the spread of sediment from dredging activities.



Attachment 3. Response 12

Attachment 3 - Entities DNR is Requesting Information From

Superior Slips - Oil Barge Dock Slip

Entity:	Why DNR is Requesting Information
BP North America Inc.	Property owner on west side of Amoco Slip. Operated marine offloading petroleum facility on this slip for ±100 years.
C. Reiss Terminals LLC	Owner of majority of dock on west side of Amoco Slip. Operated as coal dock for 100 years.
KM Superior Terminals INC (MERC)	Current owner of a large parcel on east side of the slip. Currently an active coal handling facility, estimated 5 million tons of coal on the property today. Property has over 100 years of coal handling.
BNSF	Owner of parcel that a coke oven operation occupied around 1900.
BNSF (owner) & Superior Refinery (lessee)	3 large ASTs/pipelines on property, open BRRTS site

Attachment 3 - Entities DNR is Requesting Information From

Superior Slips – General Mills Slip

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

Attachment 3 - Entities DNR is Requesting Information From

Superior Slips – Tower Avenue Slip

Entity:	Why DNR is Requesting Information
DIJ Properties LLC	Owns the Globe Elevator Dock which is on the west side of the Slip (Tax ID # 04-804-00972-00). Historical coal storage and administratively closed LUST site (BRRTS # 03-16-000561). Site No. 1 in Sigma 2019 ¹ .
Barko Hydraulics (Pettibone Corp., The Heico Companies)	Heavy equipment manufacturer and historical large quantity generator of hazardous wastes. Discoloration or staining of roof evident in air photos. Current owner(s) of property with former coal dock & ship outfitting activities (Tax ID # 04-804-00967-00) and the former Speaks Company site (Tax ID # 04-804-00763-00). Sites No. 2 and 3 in Sigma 2019.
CHS	Current owner of the dock on the east side of the Slip (Tax ID #s 04-804-00744-00 and 04-804-00956-00). The property was the location of numerous entities including a smelting operation, paint factory, a stone cutting operation, plaster manufacturing, a foundry, and a salt storage facility. In the 1940s, grain elevators were constructed on the dock and are still in operation. Evidence of ocean-going vessels scraping paint and painting while berthed at the grain terminal. Site No. 4 in Sigma 2019. Also, owns one of the two parcels at the head of the Slip that was the former location of the Northwest Oil Co., Buffalo Oil company and entities that handled coal (Tax ID # 04-804-00915-00). Site No. 5 in Sigma 2019.
Ewa Oftedahl	Owns one of two parcels at the head of the Slip that was the former location of the Northwest Oil Co., Buffalo Oil company and entities that handled coal (Tax ID # 04-804-00918-00). Site No. 5 in Sigma 2019.
Reed Properties 1, Inc.	Owns property that was formerly used for a coal fired powerhouse, a foundry, and concrete works. (Tax IDs 04-804-00769-00 and 04-804-00904-00). Proximal to inlets of storm sewers with outfalls OT010006 and OT010007. Site No. 6 in Sigma 2019 (Streetcar Powerhouse).
Northern Engineering	Machine shop since 1937 (Tax ID # 04-804-00789-00). Proximal to inlets of storm sewer outfall OT010007. Tier 2 industrial stormwater permit (WI-S067857), FAC_SITE_ID 8395, FID 816071630. Site No. 7 in Sigma 2019.
Brian Shaver (property owner) Pomp's Tire Service (operator)	Owns property of historic foundry and machine shop. Tax ID # 04-804-00787-00. Proximal to inlets of storm sewer outfalls OT010007 and OT010006. Current location of Pomp's Tire Service, 116 Ogden Avenue. Site No. 8 in Sigma 2019.
OSI Environmental (operator) W.P. Heimbach Investments LLP INC (property owner)	Property with bulk storage of waste oil, 1972 to present. Tax ID # 04-804-00793-00. Potential conveyances to Tower Avenue Slip via storm sewer or former Winslow power plant piping. Industrial Tier 2 stormwater permit (WI-S067857), FAC_SITE_ID 15400, FID 816114200. Site No. 9 in Sigma 2019 (Power Plant & Waste Oil Site).

¹ Sigma, 2019. Historic Records Screening Report for City of Superior WI, Prepared for WDNR by The Sigma Group, November.
<https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=584798&siteId=32563900&crumb=1>

Entity:	Why DNR is Requesting Information
Heimbach Leasing	Owns the properties from the former electric power generation station (Winslow Power Plant) and operates a truck repair and leasing business at 211 Hughitt Ave., Superior, WI. Tax ID #s 04-804-00801-00, 04-804-0079-00, 04-804-00863-00, and 04-804-00876-00 (BNSF et. al.). Potential conveyances of contaminants to Tower Avenue Slip via former power plant piping and city sewers. Site No. 9 in Sigma 2019. Documented discharges from a waste oil tank that overturned in a flooded basement to the sewer emptying into Cummings Avenue Slip via outfall OT010150 (BRRTS # 04-16-54485). USCG and DNR responses to address oil in the surface water. The remediation of contaminated sediments in Cummings Ave. Slip was completed in 2021 under a Great Lakes Legacy Act project agreement (BRRTS #02-16-563449).
Superior Water Light & Power (SWL&P)	Owned and operated the former Winslow Power Plant, consisting of two oil fired steam boilers with a total capacity of 25 MW. High-cost generation system was only used for emergency purposes (WPSC 1985). Site No. 9 in Sigma 2019. Retired DNR staff believed that the power plant had intake/outfall structures in both the Tower Avenue and Cummings Avenue Slips. Potential conveyances to these slips via former power plant piping or city sewers. The remediation of contaminated sediments in Cummings Avenue Slip was completed in 2021 under a Great Lakes Legacy Act project agreement (BRRTS #02-16-563449). Also, SWL&P is the current owner of the parcel with Tax ID # 04-804-000903-01 that is between Tower slip and former power plant (Site No. 6 in Sigma 2019). Owner of narrow parcel (Tax ID 04-804-00993-00) that intersects a navigable stream that enters the Slip at outfall OT010009.
Union Pacific	Former Chicago & Northwest Transportation Co. railyard southwest of the head of the Slip, Tax ID #s 04-804-00968-00 and 04-804-00970-00 (railcar repair operations). Overlies or is adjacent to stormwater/surface water conveyances emptying to Tower Avenue Slip though city Outfall OT010009. Site No. 10 in Sigma 2019. Potential sediment impacts from historical railroad operations.
Hytten Properties	1901 N. 4 th St., Superior, WI. Site No. 11. in Sigma 2019. Historical boiler manufacturer location with contemporary scrap recycling activities evident in air photos from 2015 to 2021. Proximal to storm sewer inlets emptying into the Slip at outfall OT010009. Site No. 11 in Sigma 2019 (Northwestern Boiler Works).
Wisconsin Department of Transportation ²	1701 N 4 th St., Superior, WI. Former railway car and machinery repair barn, Tax ID # 04-804-00064-00), and BRRTS # 02-16-584408. Identified as Site No. 12 in Sigma 2019. Possible pathway for sediment contamination via municipal storm sewer system at outfall ID OT010006.
City of Superior ³	Owns and operates a stormwater conveyance system with five active multiple outfalls that discharge into the Slip: OT010005, OT010009, OT010509, OT010006, and OT010007—historical conveyances through abandoned outfall OT01004 and former sanitary and combined sewers. The city also owns a 0.24-acre parcel at the head end (southwest) of Slip (Tax ID # 04-804-00935-00). Administers the Superior Port in Duluth-Superior Harbor.

² The DNR is not requesting that the Wisconsin Department of Transportation (DOT) complete the same questionnaire since they are a state agency. Wisconsin DNR and DOT work closely together and coordinate on environmental matters through an existing memorandum of understanding (MOU). DNR is communicating with DOT about this matter under the MOU.

³ DNR is not requesting that the City of a Superior complete the same questionnaire since they are a unit of local government which owns and operates a municipal sewage collection system, wastewater treatment facility, wastewater pretreatment program, combined storm sewer system, combined storm sewer treatment plants, and a municipal separate storm sewer system (MS4). These systems may be

Entity:	Why DNR is Requesting Information
Magellan Pipeline	Magellan Pipeline operates a pipeline valve station on BNSF property (Tax ID # 04-804-0098-00). Petroleum releases have occurred at this location, BRRTS #02-16-000475, and affected other properties (Tax ID #s 04-804-01033-00 and 04-804-00979-00). Former Pure Oil Site in Sigma 2019. Adjacent to stormwater/surface water conveyances leading to Tower Avenue Slip via outfall OT010009.
Chevron	Successor to prior operators of petroleum tank farm/oil terminal site where petroleum releases have occurred and affected other properties (BRRTS #s 02-16-000336 and 03-16-000145). Former Pure Oil Site in Sigma 2019. Adjacent to stormwater/surface water conveyances leading to Tower Avenue Slip via outfall OT010009. BNSF is the property owner; Tax ID #s 04-804-01035-00 and 04-804-01033-00.
BNSF	BNSF owns multiple properties where petroleum discharges have been caused by others (former Pure Oil Site in Sigma 2019) and is also the owner and operator of a railroad adjacent to stormwater and surface water conveyances leading to Tower Avenue Slip via outfall OT010009. Potential for sediment impacts by releases from others and railroad activities. Tier 2 industrial stormwater permit (WI-S067857), Superior Yard, FAC_SITE_ID 50591, FID 816047430. Tax ID #s 04-804-01020-01, 04-804-00983-01, 04-804-00998-00, 04-804-00997-00, 06-806-00734-00, 06-806-00733-00, 06-806-00732-00, 06-806-00738-00, 06-806-00736-00, 07-807-02999-00, 04-806-00980-00 (BRRTS #02-16-000475), 04-804-01035-00 (BRRTS # 02-16-000336), 04-804-01033-00 (BRRTS # 03-16-000145), 04-804-01036-00 (open BRRTS # 02-16-577100), and 04-804-00876-00 (Site No. 6 in Sigma 2019).
Simko Real Property, LLC (Simko Recycling)	Potential offsite contamination conveyed by surface runoff and stormwater/surface water conveyances. Indications of sediment discharges to offsite storm sewer terminating at outfall OT010006; the pathway in the pipe was unabated until about 2013 when the city installed a grit chamber (CH010461). Potential surface runoff via ditches and contamination pathway to slip via outfall OT010009. Closed LUST site with continuing obligations and off-property impacts (BRRTS # 03-16-000554). Industrial stormwater permit for scrap recycling (WI-S058831), FAC_SITE_ID 2653, FID 816102430. Tax ID #s 04-804-00323-00, 04-804-00537-00, 04-80400551-00, 04-804-00970-01. Reported spill of 1,400 gallons of diesel and response when scrap punctured the fuel tank of a Union Pacific locomotive in March 2023, BRRTS # 04-16-593243. Based on the information on the spill and response, additional action is needed under Wisconsin's spills law, Wis. Stats. ch. 292. DNR assigned BRRTS # 02-16-593244 for additional action related to the diesel spill.

potential historical conveyances of sediment contamination but are regulated by the DNR with specific limitations and requirements for operations, monitoring, and reporting.

Attachment 4. Response 12

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
810 W. Maple Street
Spooner WI 54801

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



February 9, 2024

CHS
Daniel Vandenhouten, Terminal Operations Manager
41 Dock Street
Superior, WI 54880
{sent electronically daniel.vandenhouten@chsinc.com}

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

Dear Mr. Vandenhouten:

The Wisconsin Department of Natural Resources (DNR) has investigated sediment contamination in several slips within the St. Louis River, Duluth-Superior Harbor in Superior, Wisconsin. One of those slips is the Tower Avenue Slip (the Slip) shown in the attached figure. The DNR has identified property owned by CHS at 20 Dock Street in Superior, and generally described by one or more of the Douglas County Tax Parcel ID #'s above, as a potential source of this contamination due to historical practices that occurred there, proximity to the Slip, or to surface or subsurface conveyances emptying into it.

Although several contaminants of concern have been found in the sediment of this slip, the detections of the organotin tributyltin are of particular interest given its historical use as an antifouling agent in the paint of ocean-going vessels using the grain terminal at the Slip. The DNR has evidence of the scraping and painting of vessels while berthed on the west side of the CHS terminal in the Slip (attached). Additionally, contaminated sediment in the Hughitt Avenue slip on the east side of the CHS terminal was remediated in 2021 under a cost share agreement between the United States Environmental Protection Agency (U.S. EPA), DNR, City of Superior, and Fraser Shipyards (BRRTS # 02-16-563449).

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

The DNR also requests that you provide us with information regarding prior owners, operators, and occupants of your property and the purposes for which each used the property. A list of questions is attached to this correspondence that we request you complete to the best of your ability. Please also

February 9, 2024
Mr. Daniel Vandenhouten
Tower Avenue Slip
Superior, WI

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provide any additional information that may aid in determining the source(s) of contamination in the above-referenced slip. There is no need to provide documents that DNR already has available in its databases. Responses can incorporate documentation DNR has on file using specific references. DNR is requesting similar information from other property owners around the Slip and areas draining to it. A list of entities the DNR is requesting information from is attached.

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

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

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

You should also know that the DNR expects to engage stakeholders and seek public input on remedial action options for the Slip in April 2024.

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

Sincerely,



Joseph Graham
Project Manager

February 9, 2024
Mr. Daniel Vandenhouten
Tower Avenue Slip
Superior, WI

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Attachments:

1. Figure – Superior Slips
2. Questionnaire
3. Entities DNR is requesting information from
4. Links to background information and reports
5. Screen Shots from Working Waterfront: A Harbor Portrait, PBS Eight, 1997 (Arcadis, 2015)

Figure 1 - Superior Slips Site Map



Oil Barge Dock

General Mills

Tower Ave

C Street



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

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

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

Attachment 3 - Entities DNR is Requesting Information From

Superior Slips – Tower Avenue Slip

Entity:	Why DNR is Requesting Information
DIJ Properties LLC	Owns the Globe Elevator Dock which is on the west side of the Slip (Tax ID # 04-804-00972-00). Historical coal storage and administratively closed LUST site (BRRTS # 03-16-000561). Site No. 1 in Sigma 2019 ¹ .
Barko Hydraulics (Pettibone Corp., The Heico Companies)	Heavy equipment manufacturer and historical large quantity generator of hazardous wastes. Discoloration or staining of roof evident in air photos. Current owner(s) of property with former coal dock & ship outfitting activities (Tax ID # 04-804-00967-00) and the former Speaks Company site (Tax ID # 04-804-00763-00). Sites No. 2 and 3 in Sigma 2019.
CHS	Current owner of the dock on the east side of the Slip (Tax ID #s 04-804-00744-00 and 04-804-00956-00). The property was the location of numerous entities including a smelting operation, paint factory, a stone cutting operation, plaster manufacturing, a foundry, and a salt storage facility. In the 1940s, grain elevators were constructed on the dock and are still in operation. Evidence of ocean-going vessels scraping paint and painting while berthed at the grain terminal. Site No. 4 in Sigma 2019. Also, owns one of the two parcels at the head of the Slip that was the former location of the Northwest Oil Co., Buffalo Oil company and entities that handled coal (Tax ID # 04-804-00915-00). Site No. 5 in Sigma 2019.
Ewa Oftedahl	Owns one of two parcels at the head of the Slip that was the former location of the Northwest Oil Co., Buffalo Oil company and entities that handled coal (Tax ID # 04-804-00918-00). Site No. 5 in Sigma 2019.
Reed Properties 1, Inc.	Owns property that was formerly used for a coal fired powerhouse, a foundry, and concrete works. (Tax IDs 04-804-00769-00 and 04-804-00904-00). Proximal to inlets of storm sewers with outfalls OT010006 and OT010007. Site No. 6 in Sigma 2019 (Streetcar Powerhouse).
Northern Engineering	Machine shop since 1937 (Tax ID # 04-804-00789-00). Proximal to inlets of storm sewer outfall OT010007. Tier 2 industrial stormwater permit (WI-S067857), FAC_SITE_ID 8395, FID 816071630. Site No. 7 in Sigma 2019.
Brian Shaver (property owner) Pomp's Tire Service (operator)	Owns property of historic foundry and machine shop. Tax ID # 04-804-00787-00. Proximal to inlets of storm sewer outfalls OT010007 and OT010006. Current location of Pomp's Tire Service, 116 Ogden Avenue. Site No. 8 in Sigma 2019.
OSI Environmental (operator) W.P. Heimbach Investments LLP INC (property owner)	Property with bulk storage of waste oil, 1972 to present. Tax ID # 04-804-00793-00. Potential conveyances to Tower Avenue Slip via storm sewer or former Winslow power plant piping. Industrial Tier 2 stormwater permit (WI-S067857), FAC_SITE_ID 15400, FID 816114200. Site No. 9 in Sigma 2019 (Power Plant & Waste Oil Site).

¹ Sigma, 2019. Historic Records Screening Report for City of Superior WI, Prepared for WDNR by The Sigma Group, November.
<https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=584798&siteId=32563900&crumb=1>

Entity:	Why DNR is Requesting Information
Heimbach Leasing	Owns the properties from the former electric power generation station (Winslow Power Plant) and operates a truck repair and leasing business at 211 Hughitt Ave., Superior, WI. Tax ID #s 04-804-00801-00, 04-804-0079-00, 04-804-00863-00, and 04-804-00876-00 (BNSF et. al.). Potential conveyances of contaminants to Tower Avenue Slip via former power plant piping and city sewers. Site No. 9 in Sigma 2019. Documented discharges from a waste oil tank that overturned in a flooded basement to the sewer emptying into Cummings Avenue Slip via outfall OT010150 (BRRTS # 04-16-54485). USCG and DNR responses to address oil in the surface water. The remediation of contaminated sediments in Cummings Ave. Slip was completed in 2021 under a Great Lakes Legacy Act project agreement (BRRTS #02-16-563449).
Superior Water Light & Power (SWL&P)	Owned and operated the former Winslow Power Plant, consisting of two oil fired steam boilers with a total capacity of 25 MW. High-cost generation system was only used for emergency purposes (WPSC 1985). Site No. 9 in Sigma 2019. Retired DNR staff believed that the power plant had intake/outfall structures in both the Tower Avenue and Cummings Avenue Slips. Potential conveyances to these slips via former power plant piping or city sewers. The remediation of contaminated sediments in Cummings Avenue Slip was completed in 2021 under a Great Lakes Legacy Act project agreement (BRRTS #02-16-563449). Also, SWL&P is the current owner of the parcel with Tax ID # 04-804-000903-01 that is between Tower slip and former power plant (Site No. 6 in Sigma 2019). Owner of narrow parcel (Tax ID 04-804-00993-00) that intersects a navigable stream that enters the Slip at outfall OT010009.
Union Pacific	Former Chicago & Northwest Transportation Co. railyard southwest of the head of the Slip, Tax ID #s 04-804-00968-00 and 04-804-00970-00 (railcar repair operations). Overlies or is adjacent to stormwater/surface water conveyances emptying to Tower Avenue Slip though city Outfall OT010009. Site No. 10 in Sigma 2019. Potential sediment impacts from historical railroad operations.
Hytten Properties	1901 N. 4 th St., Superior, WI. Site No. 11. in Sigma 2019. Historical boiler manufacturer location with contemporary scrap recycling activities evident in air photos from 2015 to 2021. Proximal to storm sewer inlets emptying into the Slip at outfall OT010009. Site No. 11 in Sigma 2019 (Northwestern Boiler Works).
Wisconsin Department of Transportation ²	1701 N 4 th St., Superior, WI. Former railway car and machinery repair barn, Tax ID # 04-804-00064-00), and BRRTS # 02-16-584408. Identified as Site No. 12 in Sigma 2019. Possible pathway for sediment contamination via municipal storm sewer system at outfall ID OT010006.
City of Superior ³	Owns and operates a stormwater conveyance system with five active multiple outfalls that discharge into the Slip: OT010005, OT010009, OT010509, OT010006, and OT010007—historical conveyances through abandoned outfall OT01004 and former sanitary and combined sewers. The city also owns a 0.24-acre parcel at the head end (southwest) of Slip (Tax ID # 04-804-00935-00). Administers the Superior Port in Duluth-Superior Harbor.

² The DNR is not requesting that the Wisconsin Department of Transportation (DOT) complete the same questionnaire since they are a state agency. Wisconsin DNR and DOT work closely together and coordinate on environmental matters through an existing memorandum of understanding (MOU). DNR is communicating with DOT about this matter under the MOU.

³ DNR is not requesting that the City of a Superior complete the same questionnaire since they are a unit of local government which owns and operates a municipal sewage collection system, wastewater treatment facility, wastewater pretreatment program, combined storm sewer system, combined storm sewer treatment plants, and a municipal separate storm sewer system (MS4). These systems may be

Entity:	Why DNR is Requesting Information
Magellan Pipeline	Magellan Pipeline operates a pipeline valve station on BNSF property (Tax ID # 04-804-0098-00). Petroleum releases have occurred at this location, BRRTS #02-16-000475, and affected other properties (Tax ID #s 04-804-01033-00 and 04-804-00979-00). Former Pure Oil Site in Sigma 2019. Adjacent to stormwater/surface water conveyances leading to Tower Avenue Slip via outfall OT010009.
Chevron	Successor to prior operators of petroleum tank farm/oil terminal site where petroleum releases have occurred and affected other properties (BRRTS #s 02-16-000336 and 03-16-000145). Former Pure Oil Site in Sigma 2019. Adjacent to stormwater/surface water conveyances leading to Tower Avenue Slip via outfall OT010009. BNSF is the property owner; Tax ID #s 04-804-01035-00 and 04-804-01033-00.
BNSF	BNSF owns multiple properties where petroleum discharges have been caused by others (former Pure Oil Site in Sigma 2019) and is also the owner and operator of a railroad adjacent to stormwater and surface water conveyances leading to Tower Avenue Slip via outfall OT010009. Potential for sediment impacts by releases from others and railroad activities. Tier 2 industrial stormwater permit (WI-S067857), Superior Yard, FAC_SITE_ID 50591, FID 816047430. Tax ID #s 04-804-01020-01, 04-804-00983-01, 04-804-00998-00, 04-804-00997-00, 06-806-00734-00, 06-806-00733-00, 06-806-00732-00, 06-806-00738-00, 06-806-00736-00, 07-807-02999-00, 04-806-00980-00 (BRRTS #02-16-000475), 04-804-01035-00 (BRRTS # 02-16-000336), 04-804-01033-00 (BRRTS # 03-16-000145), 04-804-01036-00 (open BRRTS # 02-16-577100), and 04-804-00876-00 (Site No. 6 in Sigma 2019).
Simko Real Property, LLC (Simko Recycling)	Potential offsite contamination conveyed by surface runoff and stormwater/surface water conveyances. Indications of sediment discharges to offsite storm sewer terminating at outfall OT010006; the pathway in the pipe was unabated until about 2013 when the city installed a grit chamber (CH010461). Potential surface runoff via ditches and contamination pathway to slip via outfall OT010009. Closed LUST site with continuing obligations and off-property impacts (BRRTS # 03-16-000554). Industrial stormwater permit for scrap recycling (WI-S058831), FAC_SITE_ID 2653, FID 816102430. Tax ID #s 04-804-00323-00, 04-804-00537-00, 04-80400551-00, 04-804-00970-01. Reported spill of 1,400 gallons of diesel and response when scrap punctured the fuel tank of a Union Pacific locomotive in March 2023, BRRTS # 04-16-593243. Based on the information on the spill and response, additional action is needed under Wisconsin's spills law, Wis. Stats. ch. 292. DNR assigned BRRTS # 02-16-593244 for additional action related to the diesel spill.

potential historical conveyances of sediment contamination but are regulated by the DNR with specific limitations and requirements for operations, monitoring, and reporting.

Attachment 4 - Links to Background Information and Reports

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

Tower Avenue Slip Reports

Report:	BRRTS #:	Link:
Historic Records Screening Assessment, Sigma 2019	11-16-584798	https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=584798&siteId=32563900&crumb=1
Superior Waterfront Characterization, EA 2016	11-16-585395	https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=585395&siteId=32857900&crumb=1
North End District Characterization, EA 2021	11-16-585325	https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=585325&siteId=32819900&crumb=1
Tower Avenue Slip Historical Data Review Technical Memorandum, AECOM 2022	11-16-591466	https://apps.dnr.wi.gov/botw/DownloadBlobFile.do?docSeqNo=253682&docName=20220808_99_Tower_Ave_Slip_Historic_Data_Review.pdf&docDsn=591466
Remedial Investigation Report, Tower Avenue Slip, AECOM 2023	11-16-591466	https://apps.dnr.wi.gov/botw/DownloadBlobFile.do?docSeqNo=273345&docName=20230602_37_Tower_Ave_Slip_RI_Summary_1of2.pdf&docDsn=591466 https://apps.dnr.wi.gov/botw/DownloadBlobFile.do?docSeqNo=273346&docName=20230602_37_Tower_Ave_Slip_RI_Summary_2of2.pdf&docDsn=591466
Remedial Actions Options Report, Tower Avenue Slip, AECOM 2023	11-16-591466	https://apps.dnr.wi.gov/botw/DownloadBlobFile.do?docSeqNo=268010&docName=20230907_39_Tower_Avenue_Slip_RAOR.pdf&docDsn=591466

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

Video Screen Captures showing
over-water ship scraping, sanding
and painting at CHS docks from:

WORKING WATERFRONT: A
HARBOR PORTRAIT

PBS Copyright 1997 72 minutes

Summary

- Video segments that occur at approximately 10:00 minutes and 13:20 minutes into the video file named VTS_02_1.VOB show over-water ship scraping, sanding and painting activities without environmental controls that is described in the voiced narrative on the video.
- This slide presentation shows screen captures from the video that illustrate activities of interest that may have resulted in sediment contamination in the vicinity of the CHS docks by contaminants in paint chips and drips.

Hull scraping to prepare for painting. Being performed on an ocean going freighter being filled at the CHS elevators.



10:11

DVD ▾



Desktop >>



Hull painting.

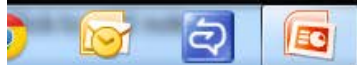


Hull painting.



10:22

DVD 10:19 / 23:56



Desktop >> [System tray icons]

Hull painting.



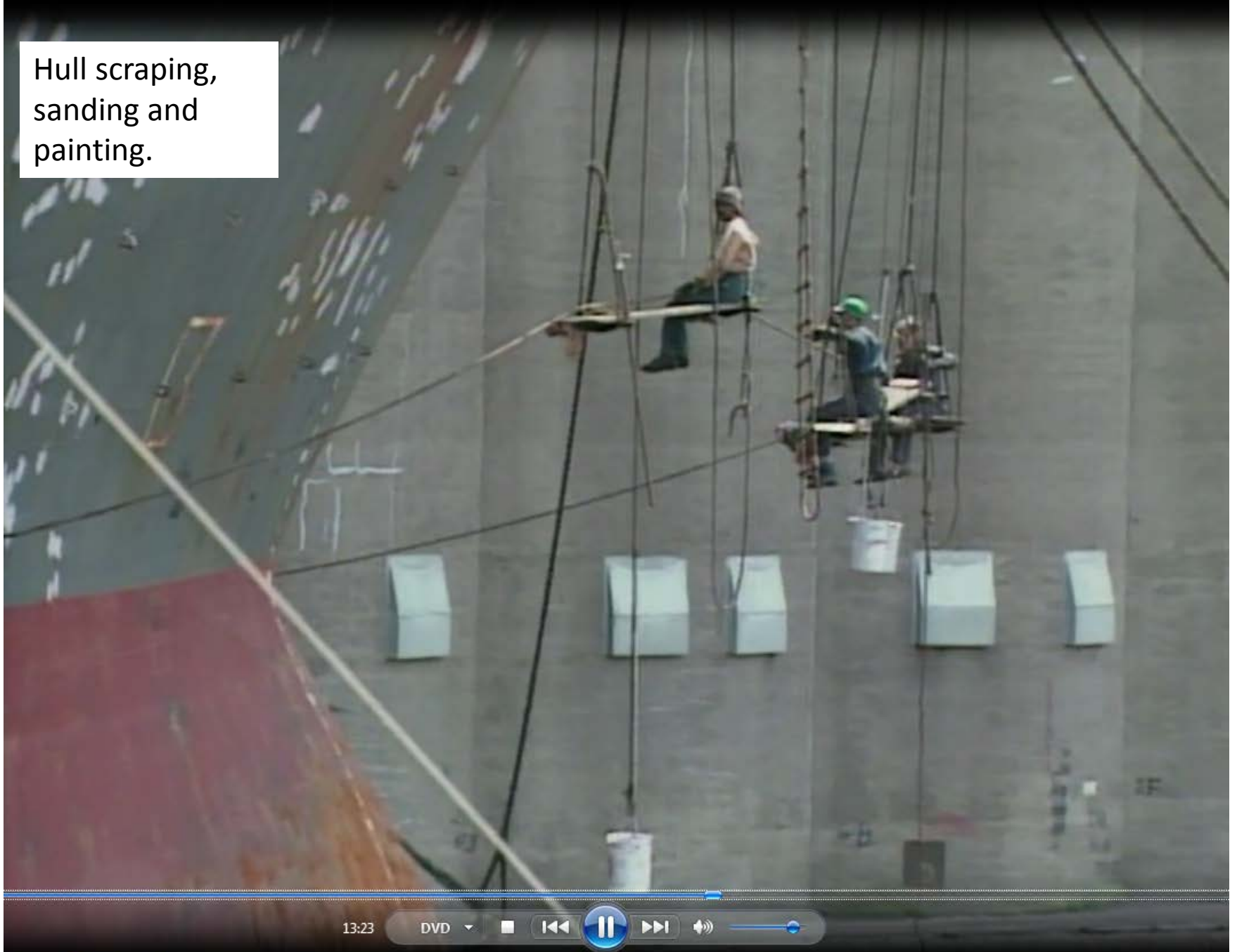
10:41

DVD ▾ [stop] [rewind] [play/pause] [fast forward] [volume icon] [volume slider]

[mail icon] [messenger icon] [calendar icon]

Desktop >> [taskbar icons: network, volume, power, etc.]

Hull scraping,
sanding and
painting.



13:23

DVD



Desktop

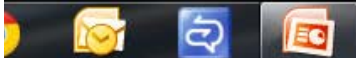
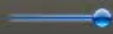




workers

13:35

DVD ▾



Direct line: 608.283.5610
Email: bcg@dewittllp.com

January 30, 2024

VIA EMAIL ONLY (joseph.graham@wisconsin.gov)

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

RE: Request for Information
Amoco Oil Company Barge Dock (Oil Barge Dock) Slip
WDNR BRRTS # 11-16-591466

Dear Joe:

This letter provides a response on behalf of C. Reiss Terminals, LLC (“C. Reiss Terminals”) to your Request for Information & Introduction to Great Lakes Legacy Act dated October 19, 2023 (the “Request”). Thank you again for the courtesy extension of time to respond to the Request and for speaking with me in December.

The Request seeks information pertaining to the alleged historical storage, use, or discharge of metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), organotin, or coal at the Amoco Oil Company Barge Dock (Oil Barge Dock) Slip in Superior, Wisconsin (the “Site”). The Wisconsin Department of Natural Resources (“DNR”) identified a parcel owned by C. Reiss Terminals as a potential source of such alleged discharges.

As you know, this Site is currently under development and is the subject of an existing 2023 Great Lakes Legacy Act Project Agreement with C. Reiss Terminals, the U.S. Environmental Protection Agency (“EPA”) and DNR (the “2023 Project Agreement”). As such, C. Reiss hereby incorporates by reference any previous production and responses to information requested by DNR as part of the 2023 Project Agreement. By further responding to this Request, C. Reiss does not waive any confidentiality that may have been attributed to documents so produced.

For purposes of this response, please note that C. Reiss Terminals denies any responsibility and/or potential liability in connection with the actual or threatened releases of hazardous substances, pollutants, and/or contaminants at the Site. C. Reiss Terminals has undertaken a good-faith effort to respond to the Request and to provide responsive documents that it could obtain through reasonable measures taking into consideration that C. Reiss Terminals’ records are necessarily limited due to the fact the Site has been inactive and vacant for nearly 25 years. As such, C. Reiss Terminals has relied upon the November 2019 Historical Record Screening Report prepared for DNR by The Sigma Group (hereinafter the “Sigma Report”), the veracity

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Page 2

of which C. Reiss Terminals has not been able to independently verify, for historical information about the Site set forth in this response. C. Reiss Terminals further reserves the right to amend and/or supplement its responses to the specific Requests for Information.

Requests for Information

Request No. 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.

Response Request No. 1: C. Reiss Terminals LLC, f/k/a “The C. Reiss Coal Company, LLC”, has owned and operated the Site since 1965. C. Reiss Coal Company, LLC changed its name to C. Reiss Terminals LLC on December 2, 2016.

Request No. 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.

Response Request No. 2: Not applicable.

Request No. 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.

Response Request No. 3: None other than as detailed in Response to Request No. 1.

Request No. 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.

Response Request No. 4: Information in C. Reiss Terminals’ possession (if any) that may be responsive to this Request would be contained in the Site Investigation Report prepared by Stantec dated July 8, 2022 (hereinafter the “2022 Site Investigation Report”). Stantec provided the Site Investigation Report to DNR previously with respect to the Bureau for Remediation and Redevelopment Tracking System (“BRRTS”) site number 02-16-589248. A courtesy copy is also produced herewith.

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Page 3

Request No. 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.

Response Request No. 5: C. Reiss Terminals does not have direct knowledge of any discharge of hazardous substances before it acquired the Site. Information responsive to this request may also be contained in the 2022 Site Investigation Report and/or the documents produced to DNR previously in the connection with 2023 Project Agreement.

Request No. 6: Identify all prior owners of the Site. For each prior owner, further identify:

- a. The dates of ownership,
- b. All evidence showing that each identified owner controlled the Site; and
- c. All evidence of any hazardous substance discharge or environmental pollution (including coal) at or from the Site and/or its solid waste units during the period that each identified owner owned the Site.

Response Request No. 6: According to the Sigma Report, C. Reiss Terminals has owned and operated the Site since 1965 when it purchased the Site from Standard Oil Company. More detailed information about the Site's prior owners may be contained in the Sigma Report.

Request No. 7: Identify all prior operators of the Site, including lessors. For each prior operator, further identify:

- a. The dates of operation,
- b. The nature of prior operations at the Site,
- c. All evidence that each identified operator controlled the Site; and
- d. All evidence of any hazardous substance discharge or environmental pollution (including coal) at or from the Site and/or its solid waste units during the period that each identified operator operated the Site.

Response Request No. 7: According to the Sigma Report, C. Reiss Terminals has owned and operated the Site since approximately 1965 when it purchased the Site from Standard Oil Company. C. Reiss Terminals understands that Superior Terminals and Berwind Fuel Co. may have also operated at the Site before 1965. More detailed information about the Site's historical operations may also be contained in the Sigma Report.

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Request No. 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.

Response Request No. 8: C. Reiss Terminals used the Site primarily for coal storage and dry bulk good receipts. The Southern portion of the Site was used for rail access/loading and for access to dock operations on the Site's north end. The Site has been inactive since the late 1990s, and is currently undergoing development in close coordination with EPA and DNR under the 2023 Project Agreement. At no point did C. Reiss Terminals generate, treat, or dispose of hazardous substances or waste at the Site.

Request No. 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.

Response Request No. 9: Other than what has been previously produced to DNR, C. Reiss Terminals has not located any documents responsive to Request No. 9, and therefore, C. Reiss cannot provide a definite response. That said, certain information about the Site's historical operations is contained in the Sigma Report and 2022 Site Investigation Report.

Request No. 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.

Response Request No. 10: C. Reiss Terminals has not located any documents responsive to Request No. 10, and therefore, C. Reiss cannot provide a definite response. That said, information about the Site's historical operations, including information that may be responsive to Request No. 10, may be contained in the Sigma Report, the 2022 Site Investigation Report, and/or the documents produced to DNR previously in the connection with 2023 Project Agreement.

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Request No. 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.).

Response Request No. 11: To date, C. Reiss Terminals has not located any documents responsive to Request No. 11, and therefore, C. Reiss Terminals cannot provide a definite response.

Request No. 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.

Response Request No. 12: To date, C. Reiss Terminals has not located any documents responsive to Request No. 12, and therefore, C. Reiss Terminals cannot provide a definite response.

Request No. 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.

Response Request No. 13: To date, C. Reiss Terminals has not located any documents responsive to Request No. 13, and therefore, C. Reiss Terminals cannot provide a definite response.

Request No. 14: Provide the following information about the Site, if applicable:

- a. Property boundaries, including a written legal description,
- b. Location of underground utilities (telephone, electrical, sewer, water main, etc.),
- c. Surface structures (e.g., buildings, tanks, etc.),
- d. Groundwater wells, including drilling logs,
- e. Storm water drainage systems, and sanitary sewer systems, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied,
- f. All additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., prior removal or excavation of contaminated soil or sediment); and any planned additions, demolitions or other changes to the site,
- g. Geology and hydrogeology at and around the Site,
- h. Maps and drawings of the Site depicting the property boundaries and property features identified above; and
- i. Photographs of the Site, past and present, including aerial photographs.

Response Request No. 14: The Site is located in the east half of the northeast quarter of Section 16, and the east half of the southeast quarter of Section 09; Township 49

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North, Range 14 West, Douglas County, Superior, Wisconsin and consists of one parcel (Parcel ID 04-804-01014-00), zoned “W1-Waterfront,” comprising approximately 53 areas. The Site is bordered by St. Louis Bay to the north, industrial dock properties to the west and east, and the Burlington Northern Santa Fe Railway right-of-way to the south.

The Site does not contain any existing buildings, but metal remnants of a former above-ground oil-water separator tank are present just east of the south end of the dock slip along with two, eight-inch buried/inactive petroleum pipelines running from this area to the east-adjointing property. The Site is also under active development in coordination with EPA and DNR under the 2023 Project Agreement.

Additional information responsive to this request may also be contained in the Sigma Report, the 2022 Site Investigation Report, and/or the documents produced to DNR previously in the connection with 2023 Project Agreement.

Request No. 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.

Response Request No. 15: The Site does not currently contain any buildings, but is under development. Metal remnants of a former above-ground oil-water separator tank are present just east of the south end of the dock slip along with two, eight-inch buried/inactive petroleum pipelines running from this area to the east-adjointing property.

According to the Sigma Report, the Site previously had a building that was constructed at the southern end of the dock slip in the late 1800s through the early 1900s. By 1921, the building was converted to a coal briquet manufacturing plant and operated through the 1960s (prior to C. Reiss Terminals’ acquisition of the Site). C. Reiss Terminals demolished the building in the early 1970s.

Request No. 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.

Response Request No. 16: Yes. C. Reiss Terminals, through its consultant, Stantec, conducted additional investigation in accordance with the 2023 Project Agreement and

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in response to DNR's letter dated February 17, 2023. Documents responsive to Request No. 16 are on file already with DNR, and additional documentation concerning the additional testing will be provided to DNR by Stantec.

Request No. 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.

Response Request No. 17: See documents produced herewith along with documents submitted to DNR previously with respect to its BRRTS submissions and the 2023 Project Agreement.

Conclusion

C. Reiss appreciates the opportunity to respond to this Request and looks forward to resolving DNR's concerns regarding the Site. Again, please note that C. Reiss Terminals' production of information in response to the Request does not represent nor act as an admission by C. Reiss Terminals, nor does it act to authenticate such information for purposes of admissibility in any administrative or judicial proceeding.

If you have additional questions or concerns, please contact me directly.

Very truly yours,

DeWitt LLP



Benjamin C. Grawe

BCG:smp

Enclosures

cc: C. Reiss Terminals, LLC (via email only)

Attachment 6. Response 14

From: [Williams, Heather](#)
To: [Graham, Joseph R - DNR](#)
Cc: [Klein, Benjamin](#); [Kern, Meaghan](#)
Subject: RE: Superior Slips - Calciment Estimates
Date: Friday, February 02, 2024 8:23:17 AM

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Thanks, Joe. Again very interesting! I'm sure these assumptions will be in consideration as you move into PDI and RD. A good note from Brian below about cure times and proper mixing. It may be that enough time for dewatering and stabilization will be needed instead of where on other projects a contractor will work to move material through the dredge/stabilize/T&D process as fast as possible for overall project timing and efficiency.

From: Graham, Joseph R - DNR <Joseph.Graham@wisconsin.gov>
Sent: Wednesday, January 31, 2024 1:15 PM
To: Williams, Heather <Williams.Heather@epa.gov>
Cc: Klein, Benjamin <Klein.Benjamin@epa.gov>; Kern, Meaghan <Kern.Meaghan@epa.gov>
Subject: FW: Superior Slips - Calciment Estimates

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Heather,

In a follow-up to your question, below is a list of projects where AECOM experienced similar or better results for volume reductions during implementation compared to bench testing. Also included is a summary of geotechnical data for the treatability samples.

We got an invitation to see the WR Grace work in progress. I am unsure if I want to go unless the EPA wants to see this and can agree to cover my travel under our cooperative agreement.

It's 70 and sunny today in Sulphur, LA!

Let me know if you need anything else.

Thanks,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Joe Graham

Cell: (715) 292-4925

joseph.graham@wisconsin.gov

From: Mastin, Brian <brian.mastin@aecom.com>
Sent: Tuesday, January 30, 2024 11:06 AM
To: Graham, Joseph R - DNR <Joseph.Graham@wisconsin.gov>
Cc: Elias, Kim <Kim.Elias@aecom.com>; Fenske, Dean <Dean.Fenske@aecom.com>
Subject: RE: Superior Slips - Calciment Estimates

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Joe – Good morning.

See below – sorry for the delay and thanks for your patience.

Reminder – stabilization efficacy is extremely dependent on cure time and mixing efficiency and frequency especially with low mix ratios (<10%).

Brian J. Mastin Ph.D.
Sediment Practice Leader
Major Projects Group
(616)-881-1081 (mobile)
(205)-588-8645 (office)
Brian.mastin@aecom.com

From: Graham, Joseph R - DNR <Joseph.Graham@wisconsin.gov>
Sent: Monday, January 22, 2024 10:39 AM
To: Mastin, Brian <brian.mastin@aecom.com>
Cc: Elias, Kim <Kim.Elias@aecom.com>; Fenske, Dean <Dean.Fenske@aecom.com>
Subject: FW: Superior Slips - Calciment Estimates

Hi Brian,

EPA is asking if AECOM could share the names of the projects where the full-scale application of Calciment has similar or better results for volume reduction compared to bench testing.

Marsh Creek Reservoir Dredging, Chester County PA – Confidential Pipeline Installation Company
North Impoundment Cap and Closure, Sulphur LA – WR Grace (active project site)
Wastewater Sludge Pond Closure, Laurel MS - International Paper
West Ditch AOC of the Calcasieu Estuary CERCLA Site, Lake Charles LA – ConocoPhillips
Malone CERCLA Site, Houston TX – Malone Service Company

Bayou Verdone CERCLA Site, Lake Charles LA - Phillips 66

Can you provide this?

After the presentation, Heather also mentioned that they see volume reductions where the sediment has high organic matter content but seemed unsure about the sediments in the Superior Slips.

My question for AECOM – How confident are you that the samples collected for treatability testing are representative of the material (horizontal and vertical extents) to be removed?

As you can see below, our treatability test samples are representative of the Slips through the vertical distribution.

Treatability test sample characterization results (average):

	Moisture (%)	Density	Carbon (%)	Mean PSD diam (um)
C Street	48.5	1.36	8.6	101
TA	63.5	1.25	14.7	24
GM	53.4	1.39	9.4	67
OBD	65.3	1.24	24	36.9

Superior Slips characterization results (average):

	Moisture (%)	Density	Carbon (%)	Mean PSD diam (um)	Depth of samples (ft bss)
C Street	43.8		29.8		0-24
TA	57.3				0-16
GM	54.1				0-10
OBD	68.9				0-20

I appreciate your support on this.

Thanks,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Joe Graham

Cell: (715) 292-4925

joseph.graham@wisconsin.gov

From: Williams, Heather <Williams.Heather@epa.gov>
Sent: Monday, January 22, 2024 9:20 AM
To: Graham, Joseph R - DNR <Joseph.Graham@wisconsin.gov>
Cc: Kern, Meaghan <Kern.Meaghan@epa.gov>; Klein, Benjamin <Klein.Benjamin@epa.gov>
Subject: RE: Superior Slips - Calciment Estimates

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Thanks, Joe. Very interesting. Would they share what projects they are referring to?

From: Graham, Joseph R - DNR <Joseph.Graham@wisconsin.gov>
Sent: Monday, January 22, 2024 8:06 AM
To: Williams, Heather <Williams.Heather@epa.gov>
Cc: Kern, Meaghan <Kern.Meaghan@epa.gov>; Klein, Benjamin <Klein.Benjamin@epa.gov>
Subject: Superior Slips - Calciment Estimates

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Happy Monday!

I asked AECOM to provide input on Heather's question about the assumptions for stabilization agents in the Superior Slips RAORs. Here is the question I put to AECOM and their response.

The question was, how confident are we that the material volume will be reduced through stabilization using Calciment, given the significant impact on total project cost if disposal volumes are higher?

Answer from Brian Mastin at AECOM:

We are extremely confident that we will realize the volume reduction in disposal volume with an addition of Calciment or another lime kiln dust source as long as the material is well mixed and allowed to cure sufficiently as recommended. We have performed full-scale application of Calciment for several sediment management projects with similar or better results compared to bench-scale testing.

Please let me know if I misunderstood the question or you need anything else.

Sincerely,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Joe Graham

Contaminated Sediment Expert

Remediation & Redevelopment

Wisconsin Department of Natural Resources

Cell: (715) 292-4925

joseph.graham@wisconsin.gov



dnr.wi.gov

