

From: Vanessa Wishart <VWishart@staffordlaw.com>
Sent: Thursday, June 29, 2023 4:15 PM
To: Sager, John E - DNR
Cc: Phillip J. Marquis; Kristian Littmann; Keith Miller; Jamie Mehle (SWLP); ryan@arrowheadconcreteworks.com; Saari, Christopher A - DNR
Subject: Graymont Response to DNR's June 13, 2023 Correspondence
Attachments: Graymont Ltr to DNR re Access for SWLP Remediation.pdf

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Hi John,

Please see attached Graymont's response to DNR's June 13, 2023 correspondence. A hard copy will be placed in the mail for your records.

Best Regards,
Vanessa

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June 29, 2021

VIA EMAIL AND U.S. MAIL
john.sager@wisconsin.gov

John Sager
Hydrogeologist
Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
Superior Service Center
1701 N 4th St.
Superior, WI 54880

**RE: Property Access for Remedial Action Associated with the Former Superior Water Light and Power Manufactured Gas Plant, Winter Street and US Highway 53, Superior, Wisconsin
WDNR BRRTS # 02-16-275446**

Dear Mr. Sager:

I represent Graymont (WI) LLC (Graymont) and am writing in response to your letter dated June 13, 2023, which we received on June 20, 2023. As you are aware, Graymont owns property identified as Douglas County Parcel Identification Number (PID) 028020710300 onto which contamination resulting from discharges of hazardous substances from the former Superior Water Light & Power manufactured gas plant (MGP) has migrated.¹ Graymont leases PID 028020710300 to Lakehead Concrete Works, Inc. (Lakehead).

Graymont appreciates its rights and responsibilities under Wis. Stat. § 292.13(1) as the owner of property affected by off-site discharges. Graymont has been working diligently with SWL&P to provide access to property owned by Graymont so that SWL&P can undertake remediation activities. To that end, Graymont entered into an access agreement with SWL&P in April 2023 granting Graymont's permission for access to conduct the remedial action. Graymont's understanding was that SWL&P would enter into a separate access agreement with Lakehead to ensure access to PID 028020710300, and Graymont has worked closely with SWL&P and Lakehead on finalizing such an access agreement. An access agreement between SWL&P and Lakehead granting Lakehead's permission to SWL&P for access to conduct the remedial action was executed on June 28, 2023.

¹ DNR's June 13, 2023 letter indicates that Cutler Liberte McDougal Corporation (CLM Corporation) owns PID 028020710300. Graymont purchased CLM Corporation, a subsidiary of Cutler-Magner, as well as Cutler-Magner, in 2007. 0629231606

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With execution of this Lakehead access agreement along with the existing Graymont access agreement, Graymont understands the issues raised in your June 13, 2023 correspondence to be resolved.

Best Regards,

STAFFORD ROSENBAUM LLP



Vanessa D. Wishart

VDW:mai

cc: Phil Marquis, Graymont
Kristian Littman, Graymont
Keith Miller, Graymont
Jamison Mehle, SWL&P
Ryan Tuhkanen, Lakehead
Chris Saari, Northern Region RR Supervisor, DNR