

November 16, 2023

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

*Re: Response to Request for Information & Introduction to Great Lakes Legacy Act
Amoco Oil Company Barge Dock (Oil Barge Dock) Slip
Superior, Wisconsin
WDNR BRRTS # 11-16-591466*

Mr. Graham,

On October 19, 2023, Joseph Pearson, Environmental Advisor for the Superior Refining Company LLC (SRC), received a letter and associated questionnaire and supporting documentation from the Wisconsin Department of Natural Resources (WDNR) entitled “Request for Information & Introduction to Great Lakes Legacy Act Amoco Oil Company Barge Dock (Oil Barge Dock) Slip Superior, Wisconsin WDNR BRRTS # 11-16-591466” (RFI). SRC understands that the RFI concerns a parcel of property identified by Douglas County, Wisconsin as PID #04-804-01013-01 (Site).

General Objections

SRC notes for the record several objections, privileges, and protections with respect to the RFI (collectively referenced as the “General Objections”).

SRC has made a diligent, good faith effort to provide documents and information which could reasonably be collected and prepared for production within the time frame allotted for this response. SRC searched the Husky Document Management System (HDMS) which includes digitized copies of the physical prepurchase records. It is possible that information responsive to the RFI was not located within the limited time provided for this response.

SRC objects to the RFI on the grounds that it, in whole or part, exceeds WDNR’s lawful authority pursuant to §§ 292.11(7)(a), 292.11(8), 292.31(1)(b), and 292.31(1)(d), Wis. Stats; is not issued pursuant to lawful authority; is not issued for a lawful purpose; does not comply with applicable WDNR guidance, policy and procedures; does not request information relevant to a lawful purpose; seeks information that is unreasonable; and is not otherwise authorized by law. Further, the RFI seeks to have SRC create reports and data that are not kept in the ordinary course of business; requires that legal conclusions be made by SRC; seeks information that is overly burdensome to comply with and which has no reasonable investigative value related to whether SRC has acted or is acting in compliance with ch. 292, Wis. Stats.; and is otherwise unreasonable, therefore exceeding WDNR’s authority.

SRC objects to the RFI as it is ambiguous, vague and unclear concerning scope and definitions. Where the RFI is vague, ambiguous, or unclear, SRC has nonetheless undertaken a good faith and reasonable effort to provide responsive information to the best of its ability to interpret the RFI. For some requests, SRC has made certain assumptions as to the meaning of terms but not all assumptions are discussed herein.

SRC objects to this RFI to the extent that it would require the submission of superseded and/or duplicative documents. SRC has interpreted the RFI to seek the final version of documents where there are multiple copies.

SRC objects to the RFI to the extent that it may attempt to create a mandatory duty to supplement this response since such attempts would exceed WDNR’s authority. As such, SRC does not intend to supplement this response.

SRC objects to the RFI to the extent that it may ask for information and/or reports that are subject to attorney-client privilege or other applicable privileges, or which otherwise constitutes protected attorney work product. Such information and reports, to the extent they exist, have not been produced in response to the RFI.

By responding to the RFI, SRC is not conceding that its answers or other responsive material are relevant or otherwise admissible under any state or federal rules of evidence.

Response to Individual RFIs for Information

This section contains separate responses and specific objections to RFIs.¹ The text of each RFI is reproduced herein, followed by SRC's response. Documents produced in response to the RFI have been Bates Numbered.

As a preliminary matter and generally applying to many of the responses, below, SRC states the following:

1. SRC is a tenant and operates a finished petroleum product storage facility, a permitted business activity, on the Site. SRC does not own the Site and has no specific knowledge of the ownership history or chain of title related to the Site.
2. WDNR does not clearly define *hazardous substances*, as used in the second paragraph of the RFI but does provide a list of chemicals of interest to the WDNR. Based on the lack of definition,² SRC's responses understand "hazardous substances" to be synonymous with the list that follows that term in the RFI. SRC does not know how prior owners and/or operators of the Site may have interpreted and applied the term "hazardous substance" to releases that may have occurred at the Site.
3. To assist the WDNR in their efforts, SRC's responses include information from operational records that SRC finds in its possession. However, SRC cannot at this time verify the accuracy of records generated, data gathered, activities taken, or operations that occurred prior to SRC being acquired by Husky Energy Inc. (Husky) on November 10, 2017.

Individual responses each RFI request are below.

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.**

SRC objects to Request No. 1 on the grounds it is overbroad, ambiguous and beyond WDNR's authority. Among other things, Request No. 1 fails to define "current owner and operator," "owner," "operated," "leased," "occupied," "all documents evidencing such ownership, operation, lease, or occupation," and "purchase and sale agreements." Subject to and without waiving its Objections, according to the Douglas County Web Portal, the Site is owned by Burlington Northern Inc (BN). A copy of the Douglas County Web Portal Property Summary is included as **Attachment 1** (Bates Nos. SRC 14 to SRC 15) and parcel location in **Figures 1a, 1b**.

SRC currently leases the property from BN. Available records indicate that the initial lease agreement was established between a former owner of SRC, Murphy Oil USA, Inc. (Murphy), and Burlington Northern Railroad Company on

¹ The General and Specific Objections are collectively referred to as "Objections."

² SRC acknowledges that § 299.01, Stats., defines "hazardous substance" to mean "any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department." However, this definition includes a subjective component.

December 1, 1974, and revised by BN on November 4, 1996. A copy of the current lease is provided in **Attachment 2** (Bates Nos. SRC 17 to SRC 27).

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.

SRC objects to Request No. 2 on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 2 fails to define “owner/operator,” “exercises actual control over the Site,” “holds significant authority to control activities at the Site.” Subject to and without waiving its Objections, SRC leases the Site from BN (see documents produced in response to Request 1).

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.

SRC objects to Request No. 3 on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 3 fails to define “legal or equitable interest,” “obtained,” and “conveyed.” Subject to and without waiving its Objections, see response to Request 1.

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.

SRC objects to Request No. 4 on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 4 fails to define “hazardous substance discharges,” “at or from the Site,” “subsurface disposal system,” “floor drain,” “including reports and data related to,” “hazardous substance discharges and actual or potential environmental pollution,” “found at the Site,” and “at or around the Site.” Subject to and without waiving its Objections, SRC is in possession of records that include information regarding the following:

Record ID	Location (if specified)	Description
March 1993 WDNR BRRTS No. 03-16-000721	Murphy Marine Terminal Tank 2	An underground storage tank (UST), Tank #2, that was formerly located beneath the pumping station pad. The 430-gallon capacity UST was removed in March 1993. A release was reported to the WDNR after the removal of the UST in March 1993. Between July 1993 and October 2006, a multiphase investigation was conducted to determine the estimated extent of impacted soil and groundwater near the former Tank #2 including the collection of soil and groundwater samples. The site investigation and groundwater monitoring activities are ongoing.

<p>March 20, 2009 WDNR BRRTS No. 02-16-554200</p>		<p>On March 20, 2009, approximately 50 gallons of gasoline / diesel fuel mixture was released into the tank basin area during product transfer. 32 cubic yards (cy) of soil was removed, and a limited soil assessment was conducted. The site has been closed with continuing obligations. The continuing obligation states: "If a structural impediment that obstructed a complete site investigation or cleanup is removed or modified, additional environmental work must be completed." The structural impediment was identified as the above ground storage Tank 22 (middle tank on site) which is still in place.</p>
<p>March 28, 2013 WI SPILL No. 7087</p>	<p>Tank 23</p>	<p>50-gallons of gasoline was released while transferring gasoline from Tank 23 to a tanker truck. The release was timely reported to the State Duty Officer and clean-up thereafter. Initial clean-up included the use of absorbent pads and booms. A vacuum truck was used to remove remaining free product and continued to remove any remaining sheen from snow melt until March 31, 2013.</p>

Readily available Environmental Reports and Data are included as **Attachment 3** (Bates Nos. SRC 29 to SRC 510).

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.

SRC objects to Request No. 5 on the grounds it is overbroad, ambiguous and beyond WDNR's authority. Among other things, Request No. 5 fails to define "hazardous substances," "at or from the Site," "current owner and/or current operator," "know or have reason to know," "discharge of any hazardous substance," "on or at the Site," "before acquiring or operating the Site," "all environmental investigations of the Site," and "all documentation of investigations performed." Subject to and without waiving its Objections, SRC leases the Site. SRC has located records pertaining to various discharges and lease agreements dating back to Murphy's lease of the property on December 1, 1974. SRC cannot verify the accuracy of any of these records, the activities or data described therein, the conclusions reached, or operations that occurred prior to November 10, 2017, but has produced those relevant records in response to the RFI.

6. Identify all prior owners of the Site. For each prior owner, further identify:

SRC objects to Request No. 6 on the grounds it is overbroad, ambiguous and beyond WDNR's authority. Among other things, Request No. 6 fails to define "prior owners." Subject to and without waiving its Objections, see response to Request 1. Beyond the response to Request 1, SRC does not want to speculate and respectively refers WDNR to what is publicly available through Douglas County, Wisconsin.

7. Identify all prior operators of the Site, including lessors. For each prior operator, further identify:

SRC objects to Request No. 7 on the grounds it is overbroad, ambiguous and beyond WDNR's authority. Among other things, Request No. 7 fails to define "prior owners." Subject to and without waiving its Objections, see response to Request 1.

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.

SRC objects to Request No. 8 on the grounds it is overbroad, ambiguous and beyond WDNR's authority. Among other things, Request No. 8 fails to define "nature of your activities, business, or operations," "hazardous substances," "at the Site," "generating, transporting, storing, treating, or disposing," and "hazardous waste." Subject to and without waiving its Objections, SRC stores and transports finished petroleum products on the Site. Records indicate that Murphy Oil constructed

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a pumping station and three aboveground storage tanks (ASTs). Two of the three ASTs (Tank 21 and Tank 22) have capacities of 25,000 barrels and the third AST (Tank 23) has a capacity of 53,870 barrels. Tank 21 currently stores ultra-low sulfur diesel (ULSD). Tanks 22 and 23 have been removed from service. SRC possesses records indicating that these tanks were used to store fuel oil (Tank 21 and Tank 22) and unleaded gasoline (Tank 23) in the past.

The pumping station is on a concrete containment pad at the northeast corner of the Site, with pumps and piping both above, and adjacent to, the pad. The ASTs receive and store petroleum products from off-site through underground and aboveground pipelines that enter the Site at the south end of the property. Petroleum products are also transferred out of the ASTs through the same equipment mentioned above (Figure 2).

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.

SRC objects to Request No. 9 on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 9 fails to define “hazardous substances,” “at the Site,” “generated, transported, stored, treated or disposed,” “all documentation,” “type, quantity, chemical composition, characteristics and physical state,” “the dates that such activities occurred,” “persons,” “all subsidiary or parent corporations of identified persons,” and “solid or hazardous waste.” Subject to and without waiving its Objections, the site has been used to store petroleum products. SRC is not aware of any hazardous waste as defined by RCRA (including coal) being generated, transported, stored, or disposed of at the Site. See also response to Request 14.f.

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.

SRC objects to Request No. 10 on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 10 fails to define “with specificity,” “Site owner, operator, or person in control over the Site,” “violated any environmental law,” “deficiency,” “a citation or the commencement of any enforcement or legal action,” and “all documentation.” Subject to and without waiving its Objections, SRC, as the operator of the Site, has no record of a federal, state, or local authority finding a violation or deficiency of environmental law.

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.).

SRC objects to Request No. 11 on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 11 fails to define “local, state, and federal environmental permits.” Subject to and without waiving its Objections, the Site is included under General WPDES Storm Water Industrial Tier 1 Permit (WI-S067849-05) coverage for SRC. The ASTs are permitted in Title V Operating Permit 816009590-P01. SRC lacks first-hand knowledge of and will not speculate on permits held by others in the past.

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.

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SRC is a registered Large Quantity Generator (LGQ), EPA ID Number WID006194336. A copy of the SRC’s 2023 EPA Form 8700-12 is included in **Attachment 4** (Bates Nos. SRC 512 to SRC 517).

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.

The Site is not a RCRA permitted facility and SRC is not aware of the Site ever being a RCRA permitted facility.

14. Provide the following information about the Site, if applicable:

a. Property boundaries, including a written legal description,

Parcel ID: 04-804-01013-01 (No physical address)
Current Owner: Burlington Northern, Inc.
Current Lessee: Superior Refining Company LLC (SRC)

General Location Description: The site is located approximately 1,500 ft north of Winter Street and 100 ft east of Ajax Road in the City of Superior. The site is located in the NW1/4 of the NW1/4 of Section 15, Township 49 North, Range 14 West, Douglas County, Wisconsin.

Legal Location Description: NW1/4 NW1/4 SEC. 15-49-14 COMMENCING AT THE SW CORNER OF NW1/4 OF SAID SEC 15, THENCE N ALONG THE W LINE OF SAID SEC 1836 FT, THENCE E'LY AT AN ANGLE OF 90 DEG 19 MIN. TO THE RIGHT, 95 FT TO THE TRUE POINT OF BEG. OF LEASE DESCRIBED, THENCE CONTINUE E'LY ALONG AN EXTENSION OF LAST DESCRIBED COURSE 220 FT, THENCE S'LY AT RIGHT ANGLES 460 FT, THENCE W'LY AT RIGHT ANGLES 220 FT, THENCE N'LY AT RIGHT ANGLES 460 FT TO THE POINT OF BEGINNING. CONTAINING 2.323 AC. M/L

A copy of the Douglas County Web Portal Property Summary is included as **Attachment 1** (Bates Nos. SRC 14 to SRC 15) and parcel location in **Figures 1a, 1b**.

b. Location of underground utilities (telephone, electrical, sewer, water main, etc.),

No public underground water main, electric, or city utilities are reported within the Site according to the publicly available data from the Douglas County Beacon GIS mapping service (**Figures 3a-3d**). Private underground electrical (UE) and underground telephone (UT) are present on the north side of the property (**Figure 2**).

c. Surface structures (e.g., buildings, tanks, etc.),

SRC objects to Request No. 14.c. on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 14.c. fails to define “surface structure.” Subject to and without waiving its Objections, the Site contains two ASTs (Tank 21 and Tank 22) with capacities of 25,000 barrels and the third AST (Tank 23) with a capacity of 53,870 barrels. Tank 21 currently stores ULSD. Tanks 22 and 23 have been removed from service. In the past, SRC possesses records indicating that these tanks were used to store fuel oil (Tank 21 and Tank 22) and unleaded gasoline (Tank 23). The pumping station is on a concrete pad at the northeast corner of the Site. The Site also contains a small, unmanned operators shed (**Figures 2, 4**).

d. Groundwater wells, including drilling logs,

Shallow monitoring wells (MW) exist on the Site. Records indicated that the MW were constructed to a depth between 16-20 ft feet below ground surface (bgs) with 10-15 ft slotted screens, drilled and installed by Borat Longyear Drilling in November 2004 for Murphy Oil Refinery. MW-1 - MW-6 were re-developed on April 26, 2022. Top of casing elevations at monitoring wells MW-1 - MW-6 were re-surveyed on May 16, 2022.

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MW-1: 20.5 ft drill, screened 5-20 ft bgs. 0-5.5 Brown sandy, silty CLAY w/Rock; 5.5-20.5 Red CLAY

MW-2: 20.5 ft drill, screened 5-20 ft bgs. 0-3.5 Brown sandy, silty CLAY w/Rock; 3.5-20.5 Red CLAY

MW-3: 20.5 ft drilled, screened 5-20 ft bgs. 0-20.5 Red CLAY

MW-4: 20.5 ft drilled, screened 5-20 ft bgs. 0-20.5 Red CLAY

MW-5: 18.0 ft drill, screened 6-16 ft bgs. 0-14.5 Red CLAY; 14.5-18 Brown Silty SAND

MW-6: 18 ft drill, screened 7-17 ft bgs. 0-18 Red CLAY

Attachment 5 contains full soil boring logs, well construction records, and well redevelopment forms for MW-1 - MW-6 with locations on **Figures 2 and 4**.

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,

SRC objects to Request No. 14.e. on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 14.e. fails to define “storm water drainage systems” and “other underground structures.” Subject to and without waiving its Objections, stormwater at the Site is contained within the containment basin where the three (3) ASTs are situated (**Figures 2, 4**). Stormwater is drained off-site, as needed, by a manually-operated valve on the northeast corner of the Site. Prior to opening the discharge valve, the contained stormwater is inspected for sheen.

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,

SRC objects to Request No. 14.f. on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 14.f. fails to define “additions,” “changes,” “demolitions,” “physical structures,” “to the property itself,” “under or about the Site,” and “any planned additions, demolitions or other changes.” Subject to and without waiving its Objections, SRC possesses a record indicating that, on March 24, 1993, J.R. Jensen of Superior, Wisconsin removed a 430-gallon UST from the northeast corner of the Site (**Figures 2, 4**).

SRC possesses a record indicating that, on July 30th, 2009, Twin Ports Testing Inc. of Superior, Wisconsin oversaw the excavation of approximately 32 cy of petroleum contaminated soil between Tank 21 and Tank 22. The excavation was backfilled with clean fill to the original surface grade.

SRC is unaware of any additions, demolitions or other changes currently planned at the Site.

g. Geology and hydrogeology at and around the Site,

SRC objects to Request No. 14.g. on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 14.g. fails to define “geology,” and “hydrology.” Subject to and without waiving its Objections, SRC responds as follows:

Local Surficial and Soil Geology

Dominant surficial soils at the site are of the Amnicon-Cuttre complex with a 0-4 percent slope. The Superior area is mainly a glaciolacustrine to glacial till surficial depositional environment. Intermittent overlying modern peat and muck areas plus sand and silt from current depositional processes create localized sands and gravels (average depth 0-10 inches), with the Superior area surficial native material predominantly clayey till with an average and approximate stratigraphy of 11-20+ ft of red clays overlying silty sand 14+ ft. See **Attachment 6** (Bates Nos. SRC 544 to SRC 552) for details.

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Local Bedrock Geology

Phanerozoic Rocks: Sedimentary Rocks of Paleozoic or Proterozoic Age: Cambrian (?) or Upper Proterozoic Age: Bayfield Group (includes Chequamegon, Devils Island and Orienta Formations) – feldspathic quartzose sandstone with some orthoquartzitic sandstone; Orienta Formation – poorly sorted arkosic sandstone. Average depth to bedrock for the superior area is approximately 200+ ft.

Site-Specific Drilling Stratigraphy

Cross sections (Figures 5a, 5b) developed for this site based upon monitoring well drilling interpret clay (CL) as the dominant near-surface material, with localized lenses of silty clay (CL/ML), a lower stratigraphy at variable depth of silty sand/sand (SM/SW/SP).

Site Surface Water Flow

The closest surface water to the site is a ship slip providing surface water access to the St. Louis River Bay located approximately 1,200 ft west-northwest. The site is located on relatively level land, with the north end of the parcel sloping northward downhill (approximately 30 percent grade), to a set of railroad tracks. The ground surface at the site is unpaved.

Site Groundwater Flow

The site is underlain by native clays. The average depth to groundwater ranges from approximately 1-7 feet bgs based upon location and time of year. After re-developing the site MW, an updated groundwater contour map of the release site was prepared by Barr Engineering in 2022 using pre-development gauging data collected on April 26, 2022, with the updated survey data collected on May 16, 2022; shallow groundwater flows to the northeast at the site (Figure 6).

h. Maps and drawings of the Site depicting the property boundaries and property features identified above; and

Please see Figures 1-6.

i. Photographs of the Site, past and present, including aerial photographs.

Historical aerial photos were prepared by two providers: Environmental Data Resources, Inc. (EDR) at request of Sigma Environmental Services in March 2019 for John Hunt, WDNR; Historical Information Gatherers (HIG) at request of Barr Engineering Company in October 2023. Photos are arranged in chronological order from both providers with flight years ranging from 1938 to 2022 in Attachment 7 (Bates Nos. SRC 554 to SRC 580).

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.

SRC objects to Request No. 15 on the grounds it is overbroad, ambiguous and beyond WDNR’s authority. Among other things, Request No. 15 fails to define “conditions,” “changes,” “any physical plant facility,” “each operator operated at the Site,” “operating or dormant,” “general condition of the facility,” “quality of maintenance,” “management of the plant,” and “adherence to procedures.” Subject to and without waiving its Objections, the Site contains three ASTs. All ASTs that are in service are monitored and maintained according to industry standards and requirements set forth in SRC’s Spill Prevention Control and Countermeasures (SPCC) plan. The Site is not continuously manned, but general Site conditions are currently checked by SRC’s Oil Movements daily and formally inspected monthly. SRC is unaware of any irregularities with the Site. See responses above for more information that may also be responsive to this Request.

Two of the three ASTs (Tank 21 and Tank 22) have been removed from service. To be removed from service, tanks are emptied and isolated from any piping that could direct flow into them.

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Tank 23 currently stores ULSD. The pumping station is on a concrete containment pad at the northeast corner of the Site, with pumps and piping both above, and adjacent to, the pad.

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.

Groundwater concentrations of benzene, toluene, ethylbenzene, xylenes, trimethylbenzenes, and naphthalene equal to or greater than NR 140 ES remain in samples collected from wells downgradient of the pumping pad (MW-2 through MW-4). SRC plans to continue to collect semiannual (spring and fall) groundwater samples from monitoring wells MW-1 - MW-4 and have samples analyzed for PVOCs and naphthalene by a Wisconsin-certified laboratory using EPA Method 8260B. Each sampled monitoring well will be purged dry twice and allowed to recover for at least 14 days prior to the collection of the samples. Upgradient monitoring wells MW-5 and MW-6 were sampled for analytical parameters from 2005 through 2013 and have not had analyte concentrations exceeding Wisconsin Administrative Code NR 140 enforcement standards (ES) criteria or NR 140 preventative action limits (PALs) and therefore sampling was discontinued at these locations.

Future work plans can be reviewed in Section 4.0 of the 2022 Remediation Progress Report for the MMTT2 Release Site included in **Attachment 3** (Bates Nos. SRC 308 to SRC 309).

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.

SRC objects to Request No. 17 on the grounds it is overbroad, ambiguous and beyond WDNR's authority. Among other things, Request No. 17 fails to define "all potential pathways for migration," "contamination," and "may flow." Subject to and without waiving its Objections, SRC is not aware of any potential pathways for migration of contamination. The Site investigation and groundwater monitoring activities are ongoing for WDNR BRRTS No. 03-16-000721-MMTT2.

Should you have any questions regarding this submission, please contact me at (763) 218-9982.

Sincerely,

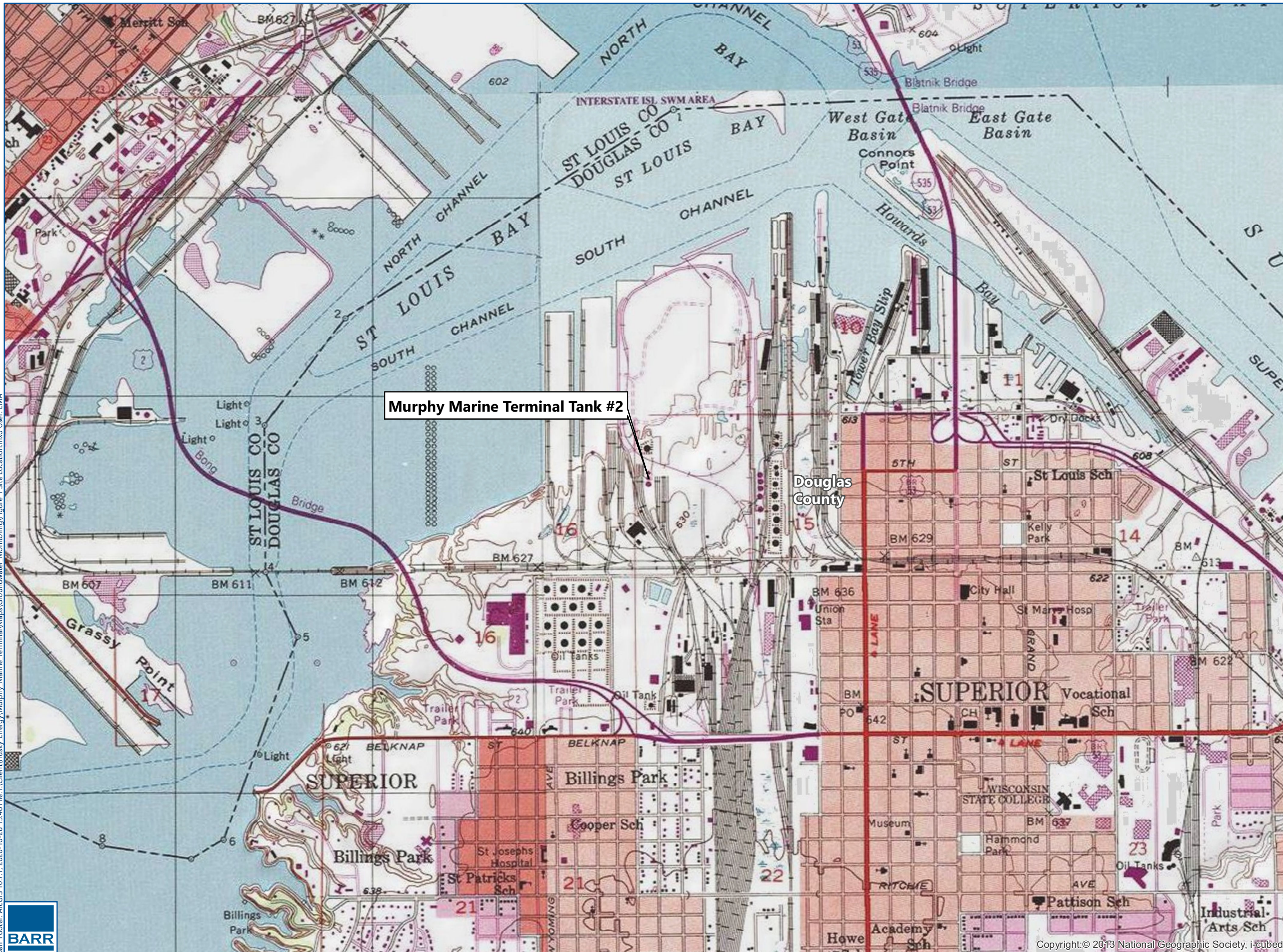


Joseph Pearson
Environmental Advisor
Superior Refining Company LLC

SUPPORTIVE INFORMATION INCLUDED:

- Attachment 1 – Douglas County Web Portal Property Summary
- Attachment 2 – Lease Agreement
- Attachment 3 – Environmental Reports and Data
- Attachment 4 – 2023 EPA Form 8700-12
- Attachment 5 – Monitoring Well Records
- Attachment 6 – Surface, Soil Geology
- Attachment 7 – Historical to Current Aerial Photos

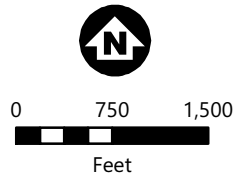
- Figure 1 – Site Location and Land Ownership
- Figure 2 – Site Layout
- Figure 3 – Douglas County Utilities Map and Topography
- Figure 4 – Monitoring Locations
- Figure 5 – Subsurface Cross Sections
- Figure 6 – Groundwater Potentiometric Surface



- Approximate SRC Property Boundaries for Contiguous Operations
- Approximate Fenceline Boundaries for Refining-Related Activities

Murphy Marine Terminal Tank #2

WDNR REPLY
FIGURE 1a



**MURPHY MARINE
TERMINAL TANK #2 SITE**
 Superior Refining
 Company LLC (SRC)
 Superior, WI
FIGURE 1

Barr Footer: ArcGIS 10.7.1, 2020-10-28 13:48 File: I:\Client\Husky Energy\Murphy Marine Terminal\Maps\Groundwater Monitoring\Figure 1 Site Location.mxd User: EMA



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Parcel Boundary

HALLETT DOCK NO 8 LLC

HALLETT DOCK COMPANY

HALLETT DOCK NO 8 LLC

KM SUPERIOR TERMINALS INC

C REISS TERMINALS LLC

AMOCO OIL COMPANY

AMOCO OIL COMPANY

AMOCO OIL COMPANY

BURLINGTON NORTHERN INC

BURLINGTON NORTHERN INC

KM SUPERIOR TERMINALS INC

Midwest Energy Resources Company (MERC)

Murphy Marine Terminal Tank #2

BURLINGTON NORTHERN, INC

BURLINGTON NORTHERN & SANTA FE RAILWAY

BURLINGTON NORTHERN & SANTA FE RAILWAY

BURLINGTON NORTHERN INC

MIDWEST ENERGY RESOURCES COMPANY

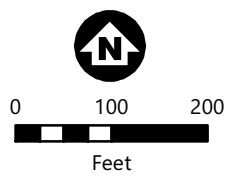
GILLIN PROPERTIES LLC

BURLINGTON NORTHERN INC

BURLINGTON NORTHERN INC

WDNR REPLY
FIGURE 1b

Source: Douglas County, WI

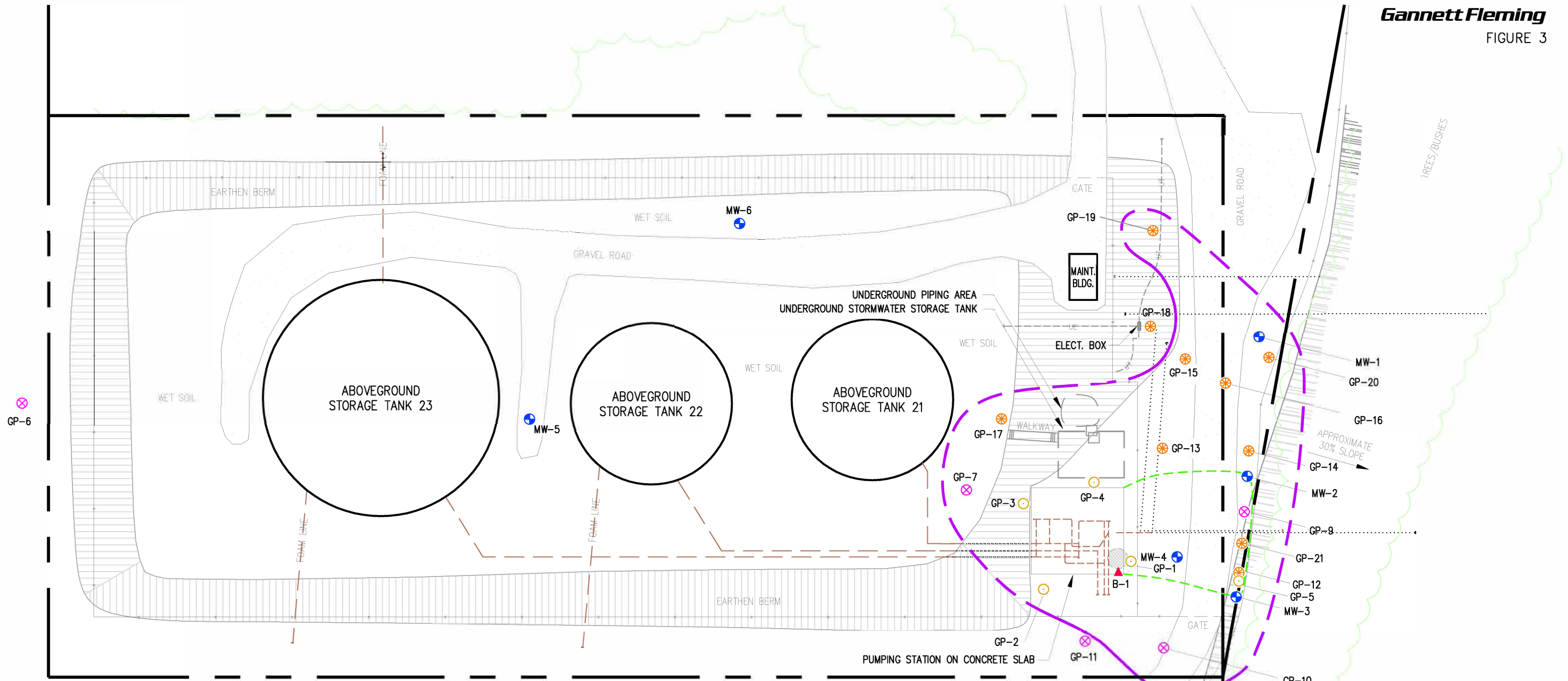


1 inch = 200 feet

ADJACENT PROPERTY-MURPHY MARINE TERMINAL TANK #2
Superior Refining Company LLC (SRC)
Superior, WI

FIGURE 2





LEGEND

- ESTIMATED EXTENT OF SOIL ABOVE A GENERIC NR720 SOIL TO GROUNDWATER STANDARD (DASHED WHERE INFERRED)
- ESTIMATED EXTENT OF SOIL ABOVE AN NR720 INDUSTRIAL DIRECT CONTACT STANDARD (DASHED WHERE INFERRED)
- MONITORING WELL LOCATION (NOVEMBER 2004)
- GEOPROBE LOCATION (OCTOBER 1996)
- GEOPROBE LOCATION (JUNE 1996)
- GEOPROBE LOCATION (SEPTEMBER 1995)
- SAMPLE LOCATION (SEPTEMBER 1993)
- UST CLOSURE SOIL SAMPLE LOCATION (JULY 1993)
- FORMER LOCATION OF 430-GALLON UST/TANK #2 (REMOVED MARCH 1993) BRRTS NO. 03-16-000721
- APPROXIMATE LOCATION OF ABOVEGROUND PIPING
- APPROXIMATE LOCATION OF UNDERGROUND PIPING
- FENCE
- UNDERGROUND ELECTRICAL
- UNDERGROUND TELEPHONE

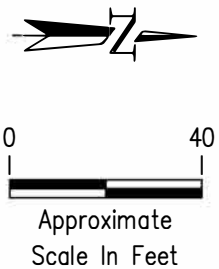
NOTES

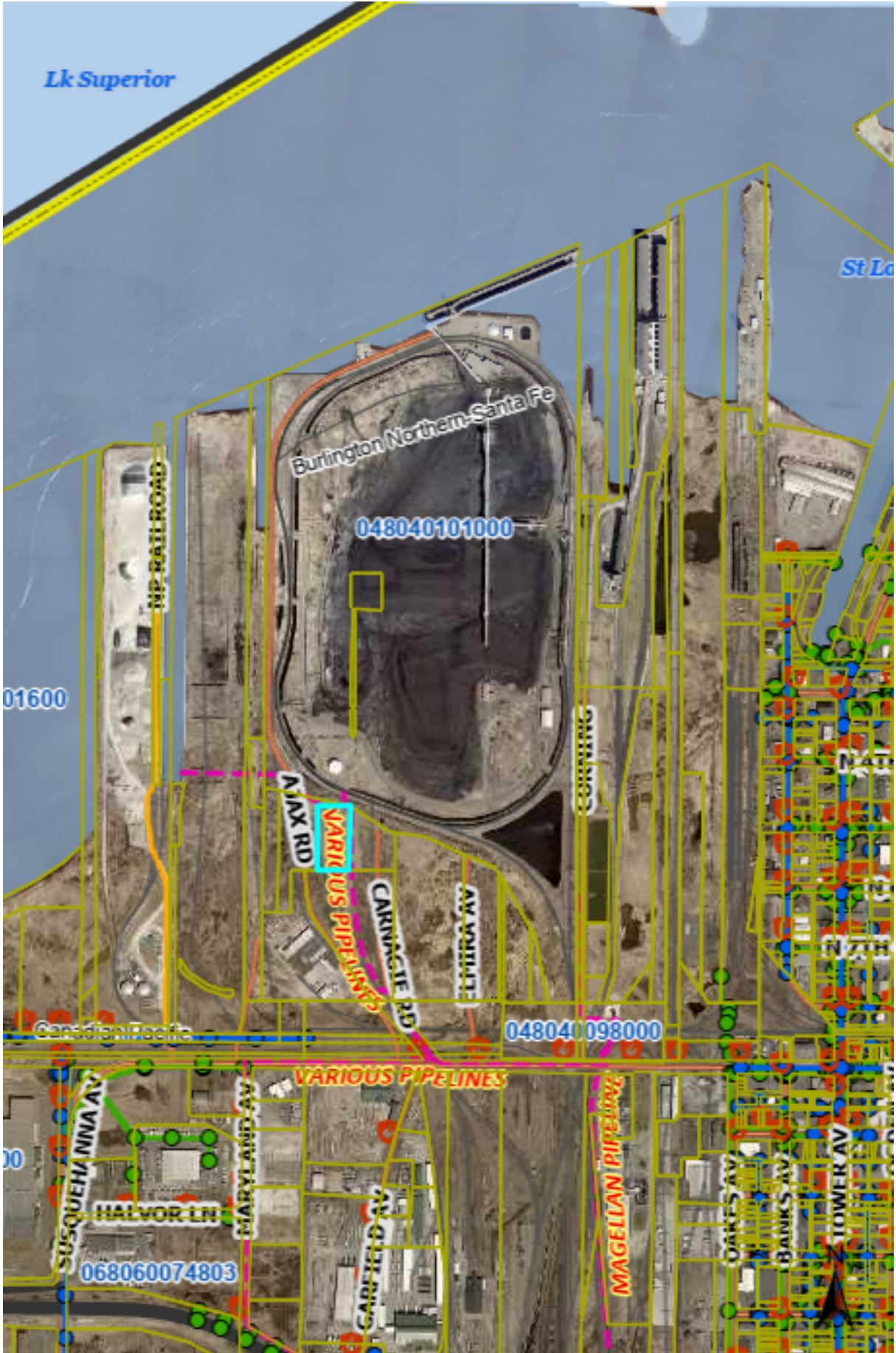
1. THE SOUTHERN THREE-QUARTERS OF THE AST BASIN SITE PLAN WAS OBTAINED FROM CERTIFIED SURVEY MAP PREPARED BY AYRES ASSOCIATES IN OCTOBER 1994.
2. PROPERTY BOUNDARY LOCATIONS ESTIMATED FROM AERIAL PHOTO OBTAINED FROM DOUGLAS COUNTY AND FROM LAND LEASED MAP PREPARED BY BURLINGTON NORTHERN RAILROAD COMPANY.

WDNR REPLY
FIGURE 2

SITE PLAN

MURPHY MARINE TERMINAL TANK #2
SUPERIOR REFINING COMPANY LLC
SUPERIOR, WISCONSIN





- Parcels
- Roads
 - US Highways
 - State Highways
 - County Roads
 - Town Roads
 - Forest Roads
 - City and Village Roads
 - Private Drives
 - Railroads
- Lakes
- Rivers and Streams
- Pipelines
- Parcel Numbers
- Lake Superior
- County Outlines
 - Douglas
- State Outlines
 - Minnesota
 - Wisconsin
- Fire Hydrants
- Sanitary Sewer Man/Catchbasin
- Sanitary Sewer
- Storm Sewer Man/Catchbasin
- Storm Sewer Pipes

Beacon - Douglas County, WI - Map (schneidercorp.com)

<https://beacon.schneidercorp.com/Application.aspx?AppID=1201&LayerID=36183&PageTypeID=1&PageID=13715>

October 30, 2023



- Parcels
- Addresses
- Roads
 - US Highways
 - State Highways
 - County Roads
 - Town Roads
 - Forest Roads
 - City and Village Roads
 - Private Drives
 - Railroads
- Lakes
- Rivers and Streams
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- Sanitary Sewer
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- Storm Sewer Pipes

Beacon - Douglas County, WI - Map (schneidercorp.com)

<https://beacon.schneidercorp.com/Application.aspx?AppID=1201&LayerID=36183&PageTypeID=1&PageID=13715>

October 30, 2023

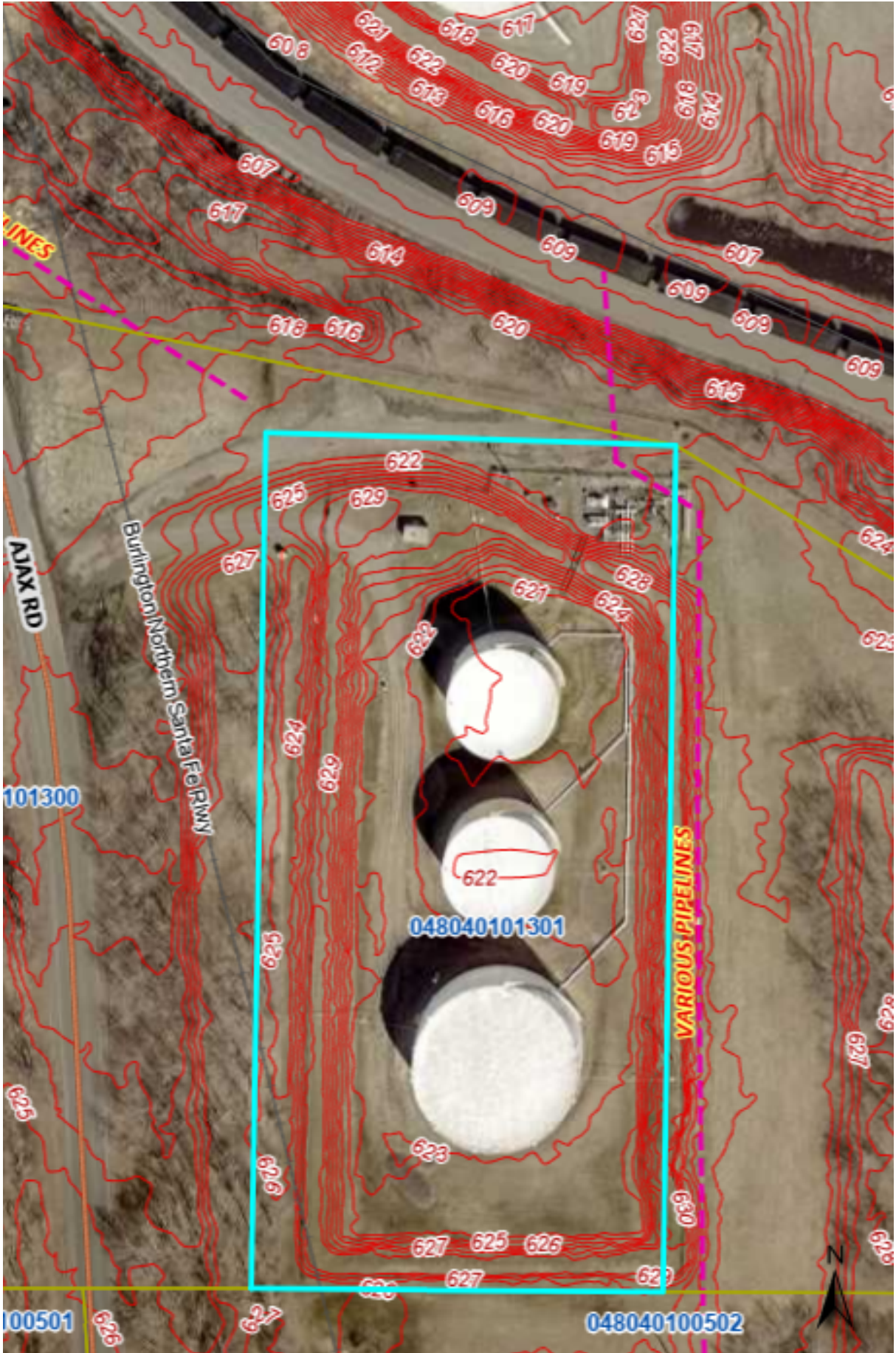


- Parcels
- Addresses
- Roads
 - US Highways
 - State Highways
 - County Roads
 - Town Roads
 - Forest Roads
 - City and Village Roads
 - Private Drives
- Railroads
- Lakes
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Beacon - Douglas County, WI - Map (schneidercorp.com)

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October 30, 2023

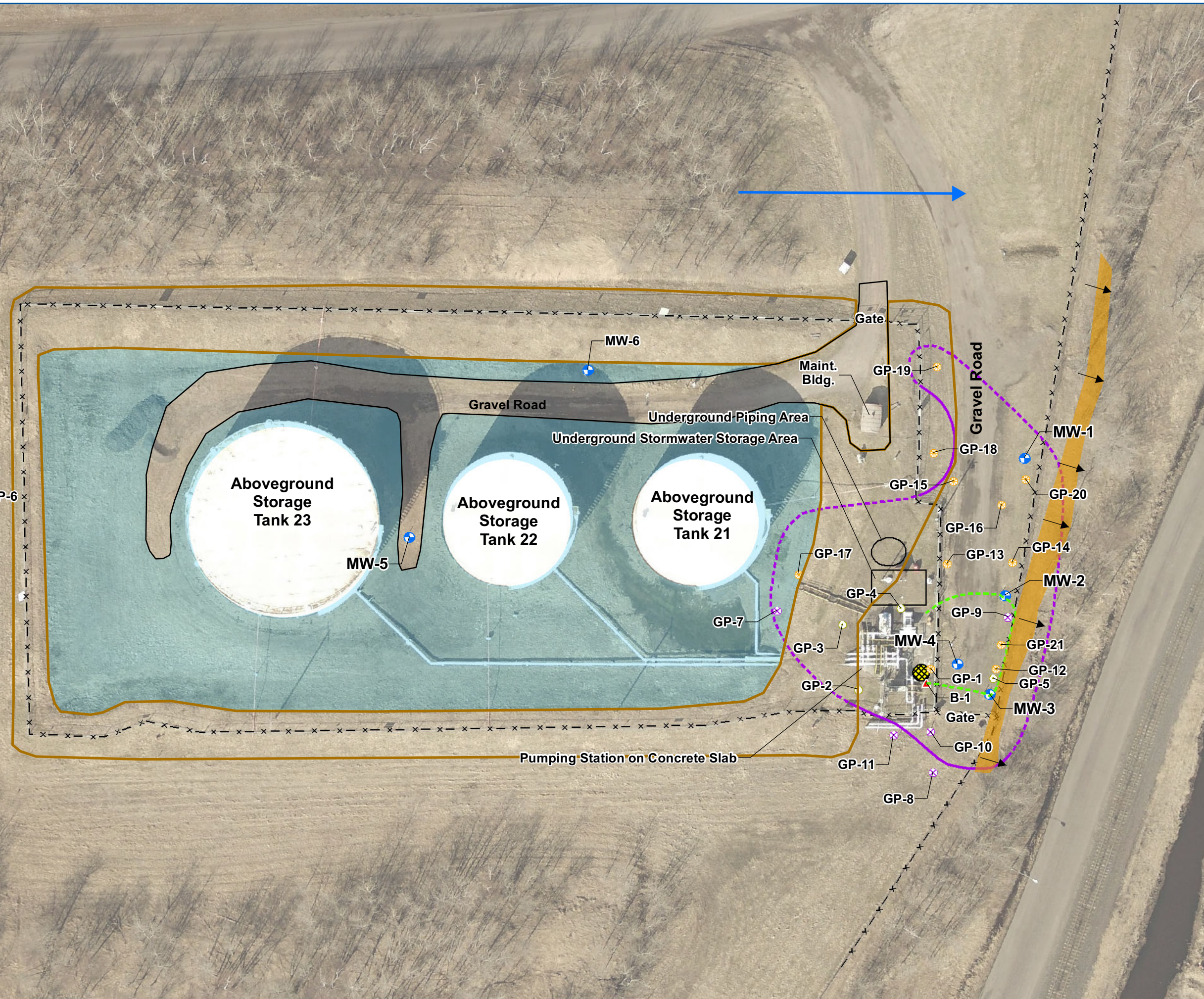


- Parcels
- Addresses
- Roads
 - US Highways
 - State Highways
 - County Roads
 - Town Roads
 - Forest Roads
 - City and Village Roads
 - Private Drives
- Railroads
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- Pipelines
- Parcel Numbers
- Lake Superior
- State Outlines
 - Minnesota
 - Wisconsin
- Fire Hydrants
- Sanitary Sewer Man/Catchbasin
- Sanitary Sewer
- Storm Sewer Man/Catchbasin
- Storm Sewer Pipes
- COS Contours 1ft

Barr Footer: ArcGIS 10.7.1, 2021-02-23 10:18 File: I:\Client\Husky Energy\Terminal\Maps\Groundwater_Monitoring\Figure 3 Site Layout and Monitoring Locations-MMT2.mxd User: EVA



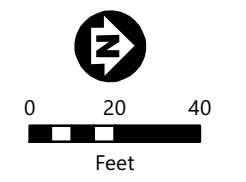
SRC 8



- Monitoring Well Location
- Geoprobe Location (October 1996)
- Geoprobe Location (June 1996)
- Geoprobe Location (September 1995)
- Sample Location (September 1993)
- Fence
- Estimated Extent of Soil Above an NR720 Industrial Direct Contact Standard (Dashed Where Inferred) (Gannett Fleming)
- Estimated Extent of Soil Above a Generic NR720 Soil to Groundwater Standard (Dashed Where Inferred) (Gannett Fleming)
- Approximate 30% Slope
- Wet Area
- Earthen Berm
- Former Location of 430-Gallon UST/Tank #2
- General Direction of Groundwater Flow

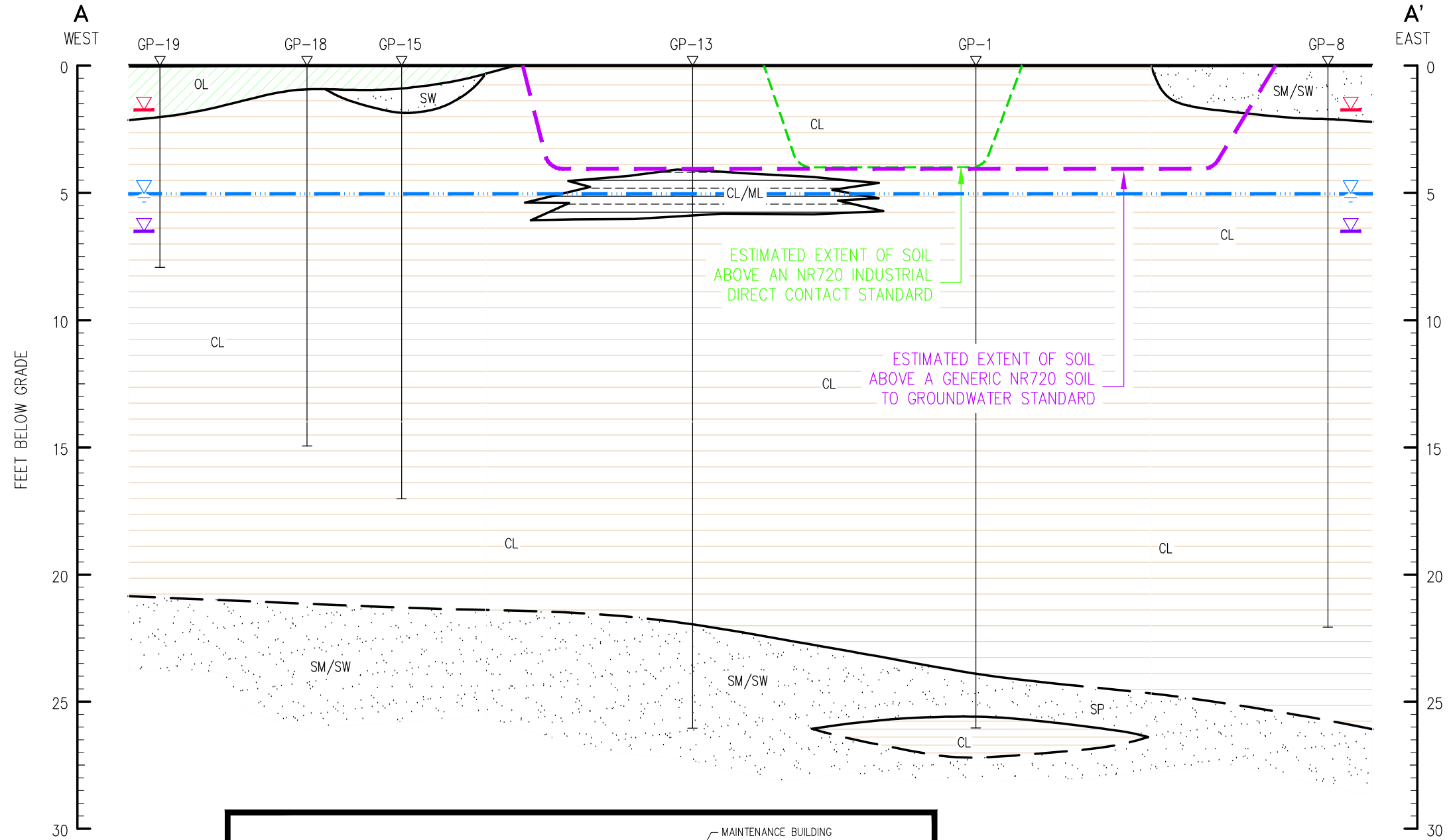
**WDNR REPLY
FIGURE 4**

Source: Gannett Fleming. Sample locations are based on field measurements made by Gannett Fleming and are approximate. Locations were not surveyed.



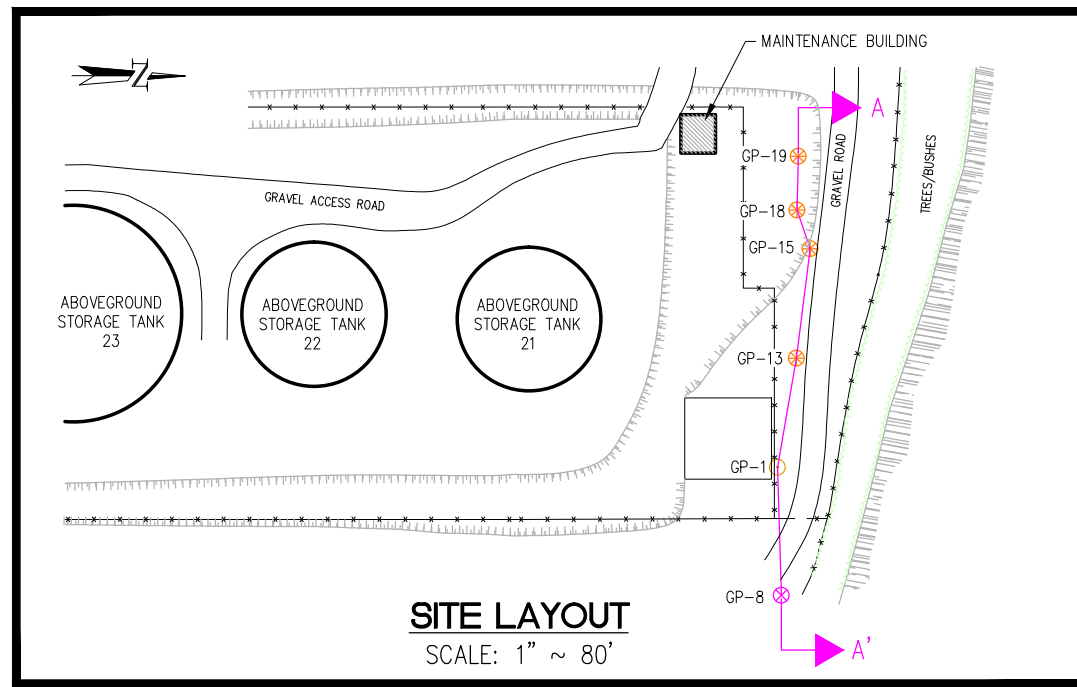
1 inch = 45 feet

**MURPHY MARINE TERMINAL
TANK #2 - SITE LAYOUT &
MONITORING LOCATIONS**
Superior Refining
Company LLC (SRC)
Superior, WI
FIGURE 3



- LEGEND**
- GEOLOGIC UNITS
- SILTY SAND/SAND (SM/SW/SP)
 - ORGANIC SILT (OL)
 - SILTY CLAY (CL/ML)
 - CLAY (CL)
 - GEOLOGIC CONTACT (DASHED WHERE INFERRED)
 - HISTORICAL HIGH WATER TABLE ELEVATION
 - WATER TABLE (8/20/13)
 - HISTORICAL LOW WATER TABLE ELEVATION
- WELL CONSTRUCTION/GEOPROBE BORING SCHEMATIC
- GP-19 ← WELL/BORING IDENTIFICATION
 - WELL CASING/GEOPROBE BOREHOLE
 - SCREENED INTERVAL

- NOTES:**
1. WATER LEVELS SHOWN = AVERAGE DEPTHS FROM MW-1 THROUGH MW-4.
 2. UNDERGROUND PIPING AND GRAVEL ROAD FILL NOT SHOWN.
- HORIZONTAL SCALE: 1" = 20'
 VERTICAL SCALE: 1" = 5'
 VERTICAL EXAGGERATION: 4X



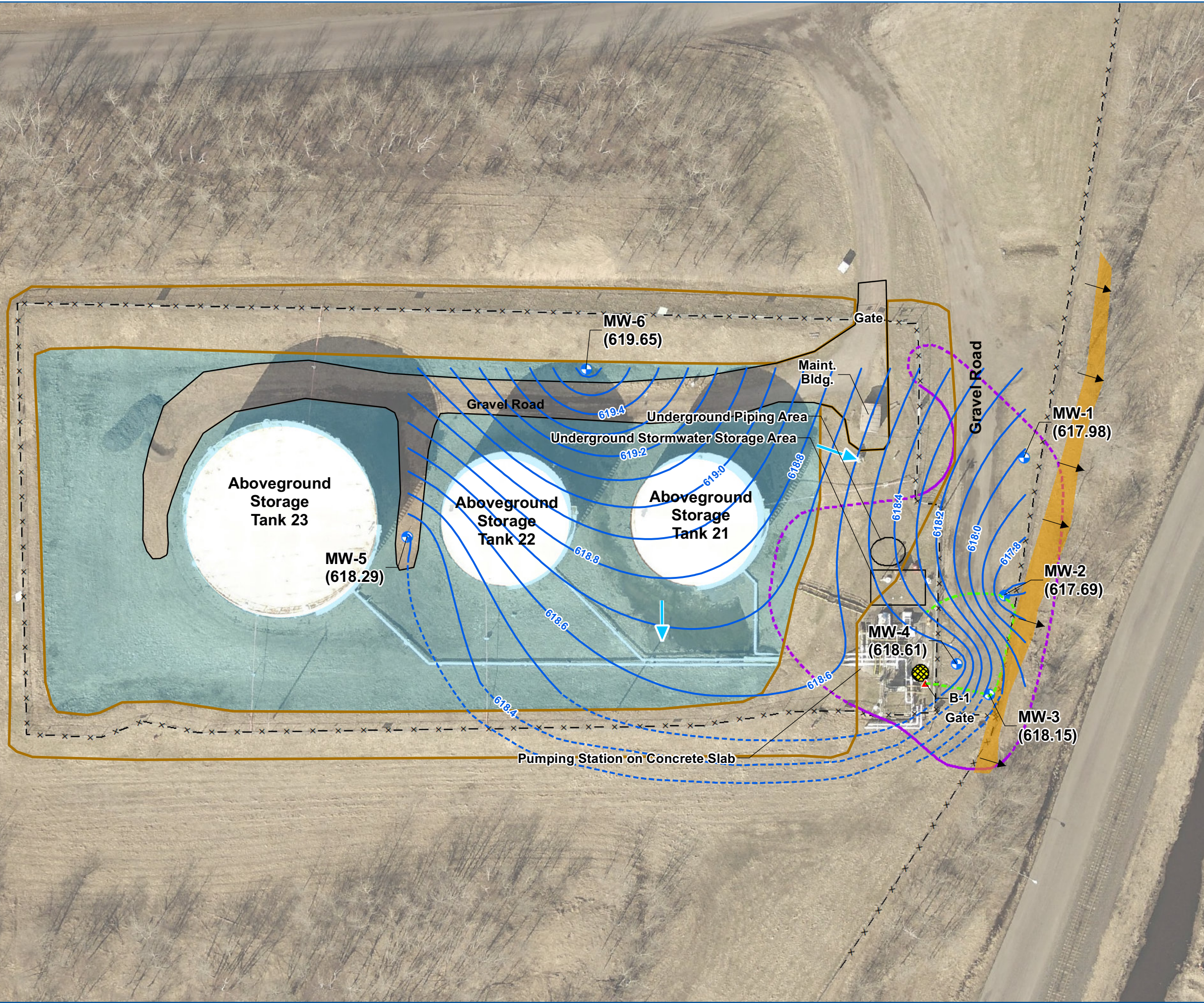
WDRN REPLY
FIGURE 5a

**GEOLOGIC
CROSS SECTION A-A'**
CALUMET WEST
CALUMET SUPERIOR, LLC
SUPERIOR, WISCONSIN

Barr Footer: ArcGIS 10.8.1, 2023-02-13 17:05 File: I:\Client\Genovus Energy\Murphy_Marine_Terminal\Maps\Groundwater_Monitoring\MMT2_No.2\Figure 3 Site Layout and Monitoring Locations\MMT2.mxd User: EMA



SRC 11

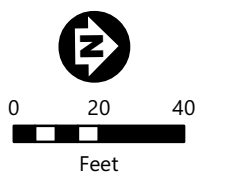


- Monitoring Well Location
- Sample Location (September 1993)
- Groundwater Contour (contour interval = 0.2 feet, Dashed Where Inferred)
- Fence
- Estimated Extent of Soil Above an NR720 Industrial Direct Contact Standard (Dashed Where Inferred) (Gannett Fleming)
- Estimated Extent of Soil Above a Generic NR720 Soil to Groundwater Standard (Dashed Where Inferred) (Gannett Fleming)
- Approximate 30% Slope
- Wet Area
- Earthen Berm
- Former Location of 430-Gallon UST/Tank #2
- General Direction of Groundwater Flow

Groundwater elevations measured April 26, 2022.

Source: Gannett Fleming. Sample locations are based on field measurements made by Gannett Fleming and are approximate. Locations were not surveyed.

**WDNR REPLY
FIGURE 6**



1 inch = 45 feet

MMT2
SITE LAYOUT
Superior Refining
Company LLC (SRC)
Superior, WI

FIGURE 3

ATTACHMENTS

Attachment 1 – Douglas County Web Portal Property Summary

Attachment 2 – Lease Agreement

Attachment 3 – Environmental Reports and Data

Attachment 4 – 2023 EPA Form 8700-12

Attachment 5 – Monitoring Well Records

Attachment 6 – Surface, Soil Geology

Attachment 7 – Historical to Current Aerial Photos