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December 13, 2023

VIA EMAIL
JOSEPH.GRAHAM@WISCONSIN.GOV

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

Re: 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

Dear Mr. Graham,

This letter provides a response to your Information and Introduction to the Great Lakes Legacy Act Letter dated October 19, 2023 (the "Request Letter"). The responses below are made on behalf of BP Products North America, Inc. ("BPPNA") and its predecessor Amoco Oil Company ("Amoco"). We greatly appreciated the extension of time to respond to the Request Letter.

In the Request Letter, you note that the Wisconsin Department of Natural Resources ("DNR") has identified the Former Amoco Barge Dock (the "Site") as a "potential source of contamination" in the sediment of a slip near the Site. DNR also suggests that BPPNA "may potentially be responsible for causing or contributing to the discharge of" several contaminants from the Site. We disagree with and object to the characterization that BPPNA or Amoco are responsible for the contamination identified in your Request Letter.

Nevertheless, we have searched our files for documents responsive to your Request letter. These documents are being produced along with these responses (the "Document Production"). Based on our review of the Document Production, we provide the following responses below. These responses are based on the information available to us at this time. We continue to search our records for responsive documents. If such search yields more responsive documents, we will amend our responses and supplement our production accordingly. Moreover, we reserve any and all rights to amend and/or supplement our responses below.

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REQUEST 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: BPPNA owns the Site which is currently vacant. The best available information indicates that the Site was used for petroleum deliveries from 1890 to 1993. The last Amoco shipment to the barge also occurred in 1993. Before 1890, the Site operated as a coal dock for the Eastern Minnesota Railroad (“EMR”). Additionally, please see the Document Production.

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: BPPNA is unaware of any such person.

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: BPPNA currently owns the Site and is not aware of any other interests or conveyances as described. Additionally, please see the Document Production.

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: Please see the Document Production.

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: BPPNA is unaware of any discharge of hazardous substances before it, or its predecessors, acquired the Site. Additionally, please see the Document Production.

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: Before BPPNA and its predecessors owned the Site, EMR owned the Site until 1889. Additionally, please see the Document Production.

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: BPPNA is unaware of any prior operator at the Site that did not also own the Site. Additionally, please see the Document Production.

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: Amoco and its predecessor used the Site for petroleum delivery operations. The best available information indicates that all petroleum delivery operations at the Site ceased in 1993. Additionally, please see the Document Production.

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: The Site was used for petroleum transportation, storage, and distribution from 1890 to 1993 by the Standard Oil Company (Indiana) and Amoco. Before that, EMR used the Site as a coal dock. Additionally, please see the Document Production.

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: DNR appears to have issued a notification and “RP” letter related to the Site in 2002. In 2004, DNR issued a final case closure letter explaining it “consider[ed] this case closed and no further investigation, remediation or other action [was] required at this time.” Additionally, please see the Document Production.

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: BPPNA has not found any documents responsive to Request No. 11 and is therefore unable to provide a definitive 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: BPPNA has not found any documents responsive to Request No. 12 and is therefore unable to provide a definitive 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: BPPNA has not found any documents responsive to Request No. 13 and is therefore unable to provide a definitive 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: The property is located north of Winter Street near its intersection with Maryland Avenue, in Superior, Wisconsin. The western property line is bounded by the C. Reiss Coal Company, while the former ABC Rail Products Corporation, Burlington Northern and Santa Fe (“BNSF”), and C. Reiss Coal Company bound the east side. Lake Superior bounds the northern extent of the property and the BNSF right-of-way bounds the southern extent. Additionally, please see the Document Production.

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: The Site is currently vacant. Historically, the Site contained underground and above ground pipelines and storage tanks; trucks, rail, and marine structures for transfer operations; and physical infrastructure such as office space. In 1938, all petroleum storage was moved to the Amoco terminal property. In 1966, the main office was moved to the Amoco terminal property. Additionally, please see the Document Production.

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: BPPNA has no current plans for performing additional investigation. Additionally, please see the Document Production.

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: Please see the Document Production.

If you have any questions or comments, please do not hesitate to contact me.

Best,

A handwritten signature in black ink that reads 'Fabio Dworschak'.

Fabio Dworschak

Enclosure

cc: Tyler D. Bowlin, Partner, Miller Nash LLP
Nathan Block, Managing Counsel, BP Legal
Jim L. Smith, Liability Manager, BP Remediation Management