

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

January 30, 2024  
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.

January 30, 2024  
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.

January 30, 2024  
Page 4

**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.

January 30, 2024  
Page 5

**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

January 30, 2024  
Page 6

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

January 30, 2024  
Page 7

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)