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September 4, 2020

Mr. Ravi Sanga
Remedial Project Manager
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900, Mail Code ECL-122
Seattle, WA 98101
Email: sanga.ravi@epa.gov
Via Overnight Mail and via email without attachments

Re: Harbor Island Superfund Site – East Waterway Operable Unit
EPA's Request for Information and Documents to Shell Oil Company
Section 104(e) of CERCLA, 42 U.S.C. § 9604(e)

Dear Mr. Sanga,

The following are objections and responses ("Response" or "Responses") of Shell Oil Company and its affiliated entities ("Shell," "Respondent," or "Respondents") to the U.S. Environmental Protection Agency ("EPA") Request for Information and Documents regarding the Harbor Island Superfund Site, East Waterway Operable Unit, King County, Washington (the "Facility" or "EWOU") dated March 10, 2020 (the "Request") directed to Shell Oil Company. This Response is comprised of the following written answers plus searchable electronic attachments contained on two USB drives (one for business confidential information ("CBI") and one for non-CBI) produced in response to EPA's Requests. Also attached is an index of the documents produced in response to or relied upon to answer each of the following questions. This index will indicate which documents correspond to each question.[1] To facilitate EPA's location of documents, there is a comprehensive index of all documents being produced.

Given the travel and accessibility limitations caused by the Covid-19 pandemic, the breadth and scope of information reviewed in preparation for this response has been more limited than under normal circumstances. Furthermore, much of the information requested relates to historical activities for which responsive information is not currently available. Given the breadth of these requests and the time period of operations of the Subject Properties, as that term is defined in the Request, it is likely that responsive documents were destroyed pursuant to Respondent's or its predecessors' Record Retention Program and policies. Since 1998, Respondent has had a Record Retention Program that has been modified numerous times during subsequent years. Upon request and reasonable notice,

[1] Please note that in many instances attachments or appendices to documents are separately listed on the index by title, date, and author and are provided to EPA so that the documents are complete, even if the specific attachment or appendix is not specifically responsive to the listed question. Any documents that may have been withheld due to CBI are identified in a separate index.

Respondent will produce all available documents relating to its record retention program and policies. Nevertheless, Shell has undertaken all reasonable efforts to locate available responsive documents and information. Should EPA request specific information within its scope of authority that has not been provided, Shell will make every effort to locate and promptly supplement its response with all such available information.

SHELL'S GENERAL OBJECTIONS

1. Shell objects to the Request to the extent it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, the audit or self-evaluative privilege, is joint-defence confidential material, or is subject to any other applicable privilege.
2. Shell objects to the Request to the extent it seeks information or documents in the possession of the United States or another governmental agency or that is otherwise public information equally available to the EPA.
3. Although EPA's stated request is for "information and documents pertaining to the East Waterway Operable Unit of the Harbor Island Site," the Request in fact seeks information about all aspects of properties within one mile of the EWOU that Respondent owns, has owned, or where Respondent or its tenant(s) may have conducted operations over a period of more than seventy (70) years regardless of whether such information could pertain to the EWOU or whether such Subject Properties contributed to the contamination at the Facility. Shell objects to the Requests as unreasonable, overly broad, unduly burdensome, and beyond the authority of EPA to seek information pursuant to CERCLA Section 104(e), 42 U.S.C. § 9604(e). For a related objection, see below Shell's Specific Objection.
4. Shell objects to the geographic scope of this Request to the extent it seeks information about properties, including Respondent's terminal property and former gas station, from which there is no indication of any release or threatened release of hazardous substances, pollutants, or contaminants that could have contributed to contamination at the EWOU.
5. Shell objects to EPA's demand that Shell identify the properties for which it answers; such an open-ended and indefinite demand lacks the specificity and definiteness required for CERCLA 104(e) request.
6. Shell objects to the questions below that inquire about "materials" as unreasonable, overly broad, beyond the scope of EPA's authority, and unduly burdensome.
7. Shell objects to the extent the Request seeks information or documents regarding petroleum materials that are exempt from CERCLA's definitions of "hazardous substances" and "pollutants or contaminants" at 42 U.S.C. § 9601(14) and (33).
8. Shell objects to the Definition No. 1, "Respondent" as overly broad, burdensome, and not authorized by CERCLA Section 104(e) to the extent it includes Respondent's agents, employees, and contractors.
9. Shell objects to Instruction No 11, which requires Respondent to complete a declaration certifying the accuracy of all statements in its response. EPA does not have statutory authority under CERCLA Section 104(e) to require this declaration. There exist substantial penalties for providing false information to the government such that this declaration is not necessary to enforce Section 104(e) or pursue penalties. Furthermore, the demanded

declaration requires a person unconditionally to declare under penalty of perjury that the responses are complete, true, and correct. It does not qualify the declaration in any fashion, such as based on the declarant's knowledge or information and belief. Because of the enormous scope of the Request, covering all facets of the operations of facilities for more than seventy (70) years, it is unreasonable, unduly burdensome, and beyond EPA's authority to demand the required declaration.

SHELL'S SPECIFIC OBJECTION

Shell specifically objects to the extent the Request seeks information that is not pertinent to the EWOU. The Request asks for detailed and expansive information for every Subject Property having ever been owned or operated by Respondent without limiting the obligation to provide such information only to those Subject Properties that are pertinent to or could have contributed to the presence of hazardous materials at the EWOU, which is the statutorily allowed scope. Therefore, for the Subject Properties[2] that Shell can demonstrate did not contribute hazardous materials to the EWOU, Shell will provide only such limited information as is required to support that conclusion. In the event EPA determines that additional information is validly within the scope of its 104(e) authority or otherwise, Shell will respond accordingly.

Subject to and without waiving these objections, Shell responds as follows:

RESPONSES TO INFORMATION REQUESTS

1. *Identification and Association with Subject Property*

   a. *Provide the full legal name and mailing address of Respondent.*

      Shell Oil Company
      150 N. Dairy Ashford
      Houston, Texas 77079

   b. *For each person answering these questions on behalf of Respondent, provide that person's:*

      i. *full name;*
      ii. *title;*
      iii. *business address and electronic mail address; and*
      iv. *business telephone number.*

[2] This includes Subject Properties 1 and 4 referenced below in answer to 1(d) and for the reasons outlined in the attached. See AECOM's Technical Memoranda - Shell Harbor Island Terminal East Waterway Review of Stormwater Discharges and Overwater Releases dated July 27, 2020 [HI-SHELL000073-HI-SHELL000077], Shell Harbor Island Terminal East Waterway Review of Historical Soil and Groundwater Impacts dated July 27, 2020 [HI-SHELL000001-HI-SHELL000072], and AECOM's Technical Memorandum dated August 27, 2020 [HI-SHELL000078-HI-SHELL000103].

Aselda Thompson
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c. *If Respondent wishes to designate an individual for receiving future correspondence from the EPA concerning the EWOU, please indicate so here by providing that individual's name, mailing address, electronic mail address, telephone number, and fax number.*

Please refer to answer (b) above.

d. *Provide the address of each Subject Property, the time period when Respondent held any ownership or other interest in the Subject Property, and the type of interest held.*

(1) Shell Harbor Island Terminal ("Shell Terminal"), 2555 13th Ave SW, Seattle, WA 98134:

The Shell Terminal is comprised of 20.5 acres consisting of three parcels: the "Main Tank Farm"- 2555 13th Avenue SW (17.14 acres), the "North Tank Farm" - 1835 13th Avenue SW (1.4 acres), and the Shoreline Manifold Area/Dock (the "Dock") - 1711 13th Avenue SW (0.2 acres). The Shell Terminal began operation under another company's ownership (see below) in July 1948 and is still in operation today.

The Dock (also known as Pier 15) is located on the north side of Harbor Island. It was originally constructed in the 1940s and was extensively renovated in the early 1980s. The Dock is co-owned by Shell and Exxon Mobil and is operated by Shell and Rainier Petroleum, Inc.

The Shell Terminal property also includes a former lubricant facility ("Former Lubes Plant") located near the southwest corner of the Main Tank Farm of the Shell Terminal property; based on currently available information, the Former Lubes Facility operated from July 1948 until December 2003.

The Shell Terminal was transferred to Equilon Enterprises LLC in January 1998. Equilon Enterprises LLC transferred its ownership and operation of the Shell Terminal to its affiliate Triton West LLC ("Triton") in December 2017.

(2) Terminals 18-20 ("Terminals 18-20"):

Based on limited available information, Terminals 18-20 were deeded to the Port of Seattle in the 1970s. Shell Oil Company sold this property to the Port of Seattle on or about December 31, 1976 and leased back from the Port of Seattle on a month-to-month basis effective January 1, 1977. This lease was cancelled on or about November 30, 1979. See drawing of deeded parcel (Terminal 18) to the Port of Seattle [HI-SHELL000664-HI-SHELL000666]; Agreement for Preferential Right to Use Berths (Terminals 18-20) dated June 1, 1975 [HI-SHELL000653-HI-SHELL000656]; Warranty Deed (Terminal 18) dated December 24, 1976 [HI-SHELL000908-HI-SHELL000910]; Purchase Agreement (Terminal 19) dated February 1, 1973 [HI-SHELL000900-HI-SHELL000907]; First Amendment to

Purchase Sale Agreement (Terminal 19) dated November 12, 1974 [HI-SHELL000667-HI-SHELL000668].

(3) "Kinder Morgan Terminal":

The current Kinder Morgan Terminal located at 2720 13th Ave SW, Seattle, WA was formerly owned and operated by Shell Oil Company and is currently owned and operated by Kinder Morgan. Shell owned the facility from approximately 1948 until it was purchased by GATX in 1995, which company was acquired by Kinder Morgan in 2001. Limited information was located pertaining to this terminal, however Kinder Morgan's response to EPA's 104(e) Request for Information regarding the Harbor Island may provide additional responsive information.

(4) "Former Shell Gas Station":

Review of a chain-of-title report indicates that the first developed use of the property located at 2461 4th Ave S, Seattle, WA was as a gas station unaffiliated with Shell in 1927. Equilon Enterprises LLC owned the station from 1998 until 2009, when it was sold to Pacwest Energy, LLC. The station is currently a third-party owned/operated Shell-branded retail station.

e. *Identify all materials used or created by Respondent's activities or operations at each Subject Property.*

(1) Shell Terminal – Products stored at the Shell Terminal include three grades of motor gasoline, aviation gasoline, jet fuel, middle distillates (e.g. diesel #2), ethanol, additives, and lubricating oils. The lubricants infrastructure was removed or closed in place in late 2012. For further information, see attached AECOM's Technical Memoranda - Shell Harbor Island Terminal East Waterway Review of Stormwater Discharges and Overwater Releases dated July 27, 2020 [HI-SHELL000073-HI-SHELL000077] and Shell Harbor Island Terminal East Waterway Review of Historical Soil and Groundwater Impacts dated July 27, 2020 [HI-SHELL000001-HI-SHELL000072].

(2) Terminals 18-20 – Based on available information, Terminals 18-20 historically stored and distributed petroleum products. The former Shell property has been capped with asphalt/concrete and is currently used by heavy equipment (cranes, trucks, shipping containers) by the Port of Seattle.

(3) 2720 13th Ave SW– Based on available information, the terminal stored refined petroleum products and marine fuel oils. Kinder Morgan's response to EPA's 104(e) Request for Information regarding the EWOU may provide additional responsive information.

(4) Former Shell Gas Station – Materials used include motor fuels. For additional information, see AECOM's Technical Memorandum dated August 27. 2020 [HI-SHELL000078-HI-SHELL000103].

f. *Provide copies of all documents regarding the ownership or environmental conditions of the Subject Property, including, but not limited to, deeds, sales contracts, leases, surveys, investigations, sampling, reports, blueprints, "as-builts," and photographs.*

(1) The Shell Terminal – An explanation and summary of historical environmental conditions including the lack of a connection to the EWOU is included in the

attached AECOM's Technical Memoranda - Shell Harbor Island Terminal East Waterway Review of Stormwater Discharges and Overwater Releases dated July 27, 2020 [HI-SHELL000073-HI-SHELL000077] and Shell Harbor Island Terminal East Waterway Review of Historical Soil and Groundwater Impacts dated July 27, 2020 [HI-SHELL000001-HI-SHELL000072]. Otherwise, given the demonstrated lack of relevance to the EWOU, additional information is not being provided at this time. See Shell's General and Specific Objections above.

(2) Terminals 18-20 – See GeoEngineers Report of Subsurface Contamination Studies (Terminal 18) dated November 28, 1988 [HI-SHELL000669-HI-SHELL000834] and drawing of Terminal 18 [HI-SHELL000664-HI-SHELL000666].

(3) 2720 13th Ave SW – No responsive information was located. Kinder Morgan's response to EPA's 104(e) Request for Information regarding the Harbor Island may provide additional responsive information.

(4) Former Shell Gas Station – An explanation and summary of historical environmental conditions including the lack of a connection to the EWOU is included in the attached AECOM's Historical Summary and Work Plan dated February 14, 2019 [HI-SHELL000104-HI-SHELL000254] and AECOM's Technical Memorandum dated August 27, 2020 [HI-SHELL000078-HI-SHELL000103]. Otherwise, given the demonstrated lack of relevance to the EWOU, additional information is not being provided at this time. See Shell's General and Specific Objections above.

g. *Provide information on the condition of the Subject Property when purchased or at the beginning of the relevant time period; describe the source, volume, and content of any fill used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways.*

(1) The Shell Terminal – Given the demonstrated lack of relevance to the EWOU, this information is not being provided at this time. See Shell's General and Specific Objections above. Shell will produce such information if it is subsequently determined to be relevant and within the scope of EPA's statutory authority.

(2) Terminals 18-20 – No responsive information was located.

(3) 2720 13th Ave SW - No responsive information was located.

(4) Former Shell Gas Station – See AECOM's Technical Memorandum dated August 27, 2020 [HI-SHELL000078-HI-SHELL000103]. Given the demonstrated lack of relevance to the EWOU, this information is not being provided at this time. See Shell's General and Specific Objections above. Shell will produce such information if it is subsequently determined to be relevant and within the scope of EPA's statutory authority.

h. *Describe the activities or operations at each Subject Property including:*

i. *the date such activities or operations commenced and concluded; and*

ii. *the types of activities or operations performed at each Subject Property, including but not limited to the use, storage, or disposal of any materials in an outdoor location.*

(1) The Shell Terminal – Please refer to answer 1(e) above for activities or operations performed.

(2) Terminals 18-20 – Please refer to answer 1(e) above for activities or operations performed.

(3) 2720 13th Ave SW - Please refer to answer 1(e) above for activities or operations performed. See also various purchase orders as to the load and/or transport of hazardous waste to waste site in California, including hazardous waste disposal permit applications dated in 1985 [HI-SHELL000914-HI-SHELL000928].

(4) Former Shell Gas Station – Please refer to answer 1(e) above for activities or operations performed. Also see AECOM's Historical Summary and Work Plan dated February 14, 2019 [HI-SHELL000104-HI-SHELL000254].

i. *Describe each release of materials at or from a Subject Property, including the type and quantity of the materials, the location of the release, the impacted media, and the. response.*

(1) The Shell Terminal - Despite the demonstrated lack of relevance to the EWOU, see AECOM's Technical Memoranda - Shell Harbor Island Terminal East Waterway Review of Stormwater Discharges and Overwater Releases dated July 27, 2020 [HI-SHELL000073-HI-SHELL000077] and Shell Harbor Island Terminal East Waterway Review of Historical Soil and Groundwater Impacts dated July 27, 2020 [HI-SHELL000001-HI-SHELL000072].

(2) Terminals 18-20 – No responsive information was located.

(3) 2720 13th Ave SW – No responsive information was located.

(4) Former Shell Gas Station – Despite the demonstrated lack of relevance to the EWOU, see AECOM's Technical Memorandum dated August 27, 2020 [HI-SHELL000078-HI-SHELL000103].

j. *Provide information on past dredging or future planned dredging in the EWOU.*

(1) The Shell Terminal – No responsive information was located.

(2) Terminals 18-20 – See Addendum No. 2 – Terminal 19 as to Demolition, Dredging, Fill and Apron for Port of Seattle dated January 16, 1975 [HI-SHELL000929-HI-SHELL000936].

(3) 2730 13th Ave SW – No responsive information was located.

(4) Former Shell Gas Station – No responsive information was located.

k. *Provide all documents pertaining to the use, storage, or disposal of any hazardous substances, pollutants, or contaminants at the Subject Property.*

(1) The Shell Terminal – Given the demonstrated lack of relevance to the EWOU, this information is not being provided at this time. See Shell's General and Specific Objections above. Shell will produce such information if it is subsequently determined to be relevant and within the scope of EPA's statutory authority.

(2) Terminals 18-20 – No responsive information was located.

(3) 2720 13th Ave SW – See various purchase orders as to the load and/or transport of hazardous waste to waste site in California, including hazardous waste disposal permit applications [HI-SHELL000914-HI-SHELL000928].

(4) Former Shell Gas Station – Given the demonstrated lack of relevance to the EWOU, this information is not being provided at this time. See Shell's General and Specific

Objections above. Shell will produce such information if it is subsequently determined to be relevant and within the scope of EPA's statutory authority.

l. Provide all information on electrical equipment used at the Subject Property, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).

There is no information that PCBs were ever manufactured, used, stored, handled, or released at any of the Shell Subject Properties, other than possible electrical equipment supplied by others. Since PCBs were sometimes incorporated into electrical equipment by the manufacturers of that equipment, some PCBs could have entered the Subject Properties while enclosed in that equipment and could therefore have been present or "stored" at the terminal inside the electrical equipment. There are no reports of PCB releases, and available groundwater data provided herein confirms that sources of PCBs are not present at the Shell Terminal or the Former Shell Gas Station.

m. Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances; pollutants, or contaminants which are or were used at the Subject Property.

(1) The Shell Terminal - Given the demonstrated lack of relevance to the EWOU, specific information is not being provided at this time. See Shell's General and Specific Objections above. Shell will produce such information if it is subsequently determined to be relevant and within the scope of EPA's statutory authority. However, applicable information may be available in the Supplementary Remedial Investigation-Chemical Data Summary Report dated July 1995 [HI-SHELL000274-HI-SHELL000650]; AECOM's Technical Memoranda - Shell Harbor Island Terminal East Waterway Review of Stormwater Discharges and Overwater Releases dated July 27, 2020 [HI-SHELL000073-HI-SHELL000077], and Shell Harbor Island Terminal East Waterway Review of Historical Soil and Groundwater Impacts dated July 27, 2020 [HI-SHELL000001-HI-SHELL000072].

(2) Terminals 18-20 – No responsive information was located.

(3) 2720 13th Ave SW – No responsive information was located.

(4) Former Shell Gas Station – Given the demonstrated lack of relevance to the EWOU, this information is not being provided at this time. See Shell's General and Specific Objections above. Shell will produce such information if it is subsequently determined to be relevant and within the scope of EPA's statutory authority. However, applicable information may be available in AECOM's Technical Memorandum dated August 27, 2020 [HI-SHELL000078-HI-SHELL000103].

n. Provide any Subject Property drainage descriptions plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to each sanitary sewer.

(1) The Shell Terminal – Respondent has only discharged to the West Waterway of the Duwamish River; additionally, representative documents provided reflect consistent discharge water quality with non-detect to low concentrations of the constituents of most concern to EPA in the EWOU:

- *Permits and Fact Sheets:* These documents show that the Shell Terminal was being regulated for stormwater discharges to the West Waterway and show the changes in the monitoring requirements over the years (including the elimination of priority pollutant monitoring in the 2016 permit). The permits and fact sheets also reference that the outfall for stormwater discharged from the Shell Terminal is located within the West Waterway of the Duwamish River. The representative permits and fact sheets being provided reflect this. [HI-SHELL000970-HI-SHELL001090; HI-SHELL001847-HI-SHELL001966].
- *Stormwater Pollution Prevention Plans; and Operations and Maintenance Manuals:* These documents provide a summary of tankage, pollution sources, procedures to manage stormwater conveyance, and treatment systems at the Shell Terminal and provide a facility drawing showing the catchment areas for the discharge to each outfall. These do not vary significantly over the years, so representative documents are being provided. [HI-SHELL002063-HI-SHELL002325; HI-SHELL001427-HI-SHELL001844].
- AECOM's Technical Memoranda - Shell Harbor Island Terminal East Waterway Review of Stormwater Discharges and Overwater Releases dated July 27, 2020 [HI-SHELL000073-HI-SHELL000077] and Shell Harbor Island Terminal East Waterway Review of Historical Soil and Groundwater Impacts dated July 27, 2020 [HI-SHELL000001-HI-SHELL000072].
- Drainage Map [HI-SHELL000255].

(2) Terminals 18-20 – Please refer to answer 1(n)(1) above.

(3) 2720 13th Ave SW - Please refer to answer 1(n)(1) above.

(4) Former Shell Gas Station – Respondent is not able to identify any specific documents responsive to this request and Shell maintains that this information is not relevant to nor within the scope of the Request as having no potential relevance to the EWOU.

o. *With respect to past activities or operations at each Subject Property, provide copies of any stormwater or drainage studies, including data from sampling, conducted at the Subject Property. Also provide copies of any Stormwater Pollution Prevention or Maintenance Plans or Spill Plans that may have been developed for different operations during Respondent's occupation of the Subject Property.*

(1) The Shell Terminal – Respondent discharge has exclusively been to the West Waterway of the Duwamish River; additionally, representative documents provided reflect consistent discharge water quality with non-detect to low concentrations of the constituents of most concern to EPA in the East Waterway Operable Unit:

- *Annual Monitoring Summaries; Priority Pollutant Analytical Results; and Whole Effluent Toxicity Test Results*: The annual monitoring summaries, priority pollutant results, and WET test results provide stormwater data. The annual summaries of the data reported on the DMRs show consistent discharge water quality, the WET test results show that Shell's discharge did not degrade West Waterway water quality with respect to aquatic life, and the priority pollutant results show non-detect to low concentrations of the constituents of most of concern to EPA in the EWOU (arsenic, carcinogenic PAHs, and

PCBs). Of significance is that priority pollutants were sampled annually as required by Shell's NPDES permit until the 2010 permit, which only required PP sampling once during the permit cycle. The subsequent permit eliminated the requirement altogether, presumably since it was deemed that those constituents were not part of Shell's operations and were demonstrated to not be in Shell's discharges. [HI-SHELL000937-HI-SHELL000969; HI-SHELL001091-HI-SHELL001426; HI-SHELL001845-HI-SHELL001846; HI-SHELL001967-HI-SHELL002062; HI-SHELL002326-HI-SHELL002502].

- *Stormwater Pollution Prevention Plans; and Operations and Maintenance Manuals*: These documents provide a summary of tankage, pollution sources, procedures to manage stormwater conveyance, and treatment systems at the Shell Terminal and provide a drawing showing the catchment areas for the discharge to each outfall. These do not vary significantly over the years, so representative documents are being provided. [HI-SHELL002063-HI-SHELL002325; HI-SHELL001427-HI-SHELL001844].
- AECOM's Technical Memorandum - Shell Harbor Island Terminal East Waterway Review of Stormwater Discharges and Overwater Releases dated July 27, 2020 [HI-SHELL000073-HI-SHELL000077].

(2) Terminals 18-20 – Please refer to answer 1(o)(1) above.

(3) 2720 13th Ave SW – Please refer to answer 1(o)(1) above.

(4) Former Shell Gas Station – Respondent is not able to identify any specific documents responsive to this request and Shell maintains that this information is not relevant to nor within the scope of the Request as having no potential relevance to the EWOU.

p. *Describe each underground storage tank present at any time on a Subject Property, including but not limited to the size and location of the tank, the materials stored in the tank, the time period of use, whether any material leaked from the tank, the type and quantity of leaked material, and the response to the leaked material.*

(1) The Shell Terminal – Shell maintains that this information is not relevant to nor within the scope of the Request as having no potential impact on the EWOU; however, responsive information may be available in AECOM's Technical Memorandum - Shell Harbor Island Terminal East Waterway Review of Historical Soil and Groundwater Impacts dated July 27, 2020 [HI-SHELL000001-HI-SHELL000072].

(2) Terminals 18-20 – See GeoEngineers' Final Report of Subsurface Contamination Studies for the Port of Seattle dated November 28, 1988 [HI-SHELL000669-HI-SHELL000834] and HartCrowser's Final Background Summary Report dated August 6, 1992 [HI-SHELL000835-HI-SHELL000882].

(3) 2720 13th Ave SW – No responsive information was located.

(4) Former Shell Gas Station – Shell maintains that this information is not relevant to nor within the scope of the Request as having no potential impact on the EWOU; however, responsive information may be available in AECOM's Technical Memorandum dated August 27, 2020 [HI-SHELL000078-HI-SHELL000103].

q. *Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a description of the activities or operations they conducted while present at the Subject Property.*

(1) The Shell Terminal:

- Although the agreements were not located, we understand the following agreements were in place: Terminalling Agreement and Ground Lease between McCall & Chemical Corporation and Shell entered into on November 11, 1982 and cancelled November 1, 1984. On January 1, 1985, a new Terminalling Agreement was signed for the storage of No. 2 Diesel, No. 6 black oil, and PS300 over McCall's truck loading rack located on the property.
- Terminalling Agreement between Chevron USA Products Company and Shell entered into on May 1, 1992. On October 1, 1994, the First Agreement Amending Terminalling Agreement was signed for storage of three grades of gasoline, low sulfur diesel, jet fuel, and truck loading on the property [HI-SHELL000256-HI-SHELL000265].

(2) Terminals 18-20 - Shell sold this property to the Port of Seattle on or about December 31, 1976, but Shell was unable to locate the agreements.

- Port of Seattle Lease-Terminal 19 [HI-SHELL000883-HI-SHELL000889];
- Addendum to Lease-Terminal 19 [HI-SHELL000651-HI-SHELL000652];
- Agreement Terminating Lease-Terminal 19 [HI-SHELL00000657];
- Port of Seattle Lease and Addendum to Lease-Terminal 20 [HI-SHELL000890-HI-SHELL000899];
- Amendments 1-4 to Lease Agreement-Terminal 20 [HI-SHELL000658-HI-SHELL000663].

Jobber Leases on Waterfront Property:

- Edward Gallagher – Tank Truck Dealer: Leased from Shell September 1, 1966 and cancelled August 1, 1975. A copy of this agreement was not located.
- Lilyblad Petroleum – Purchased Edward Gallagher on August 1, 1975; Lilyblad leased from Shell ground storage, tanks, loading rack and warehouse space for drum storage under two separate leases dated October 1, 1975 and October 7, 1975 and both leases terminated April 1, 1979.

(3) 2720 13th Ave SW:

- Ground lease between Shell and Port of Seattle from September 14, 1976 to January 25, 1992 [HI-SHELL000911-HI-SHELL000913].

(4) Former Shell Gas Station – Shell maintains that this information is not relevant to nor within the scope of the Request as having no potential impact on the EWOU; however, no responsive information was located.

r. *If Respondent, its parent corporation; subsidiaries or other related or associated companies have filed for bankruptcy, provide:*

   i. *the U.S. Bankruptcy Court in which the petition was filed;*
   ii. *the docket numbers of such petition;*
   iii. *the date the bankruptcy petition was filed;*
   iv. *whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and*
   v. *a description of the current status of the petition.*

None.

s. *If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous substances, pollutants, or contaminants, or transportation of hazardous substances, pollutants, or contaminants to or from, the Subject Property.*

Respondent objects to providing the location where individuals consulted reside and phone numbers for current employees or contractors who should be contacted through counsel. For those individuals, the name, title, and employment location are employed is provided.

Name: Carol Campagna
Title: Region Manager – Shell DS Soil & Groundwater FDG-US West
Location: Carson, California

Name: Paul Katz
Title: Shell Seattle Terminal Manager
Location: Seattle, Washington

Name: Theresa Geijer
Title: Environmental Advisor – Shell Seattle Terminal
Location: Seattle, Washington

Name: Chuck Colson
Title: SEPCO - Production Engineer
Location: Houston, Texas

Name: Andrea Wing
Title: Principal Program Manager - Shell Soil & Groundwater FDG-US West
Location: Carson, California

Name: Tyler Hemry
Title: Consultant, AECOM
Location: Seattle, Washington

Name: Bill Haldeman

Title: Consultant, PES Environmental, Inc.
Location: Seattle, Washington

Name: John Robbins
Title: Sr Program Manager – Shell DS Soil & Groundwater FDG-US West
Location: Chicago, Illinois

2. *Financial Information*

a. *Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2015, 2016, 2017, 2018, and 2019. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.*

Shell objects to the request for the listed tax documents as unnecessary, overly broad, and out of scope at this stage. Nevertheless, financial information is available at https://reports.shell.com/annual-report/2019/. An actual copy of the report has not been provided due to its size and availability at the link above. Upon EPA request, Shell can provide a copy of the report.

b. *Provide Respondent's financial interest in, control of, or that Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in the federal tax returns or other financial information to be presented to the EPA. If there are such assets, identify each asset by type of asset, estimated value, and location.*

See answer to 2(a) above.

c. *If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:*

i. *a general statement of the nature of relationship, indicating whether the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of Respondent's business operations at the Subject Property;*

Respondent objects to this question to the extent it asks for Respondent to indicate the degree of "control" as undefined, vague, ambiguous, calling for a legal conclusion, and beyond the authority of the EPA to request information pursuant to CERCLA Section 104(e). Subject to and without waiving its objections, Respondent refers to Attachment A for a list of entities directly and indirectly owned by Shell.

Respondent's parent organization structure is as follows:

All of the outstanding shares of Shell Oil Company are 100% owned by Shell Petroleum Inc., a Delaware corporation;

All of the outstanding shares of Shell Petroleum Inc. are 100% owned by Shell Petroleum N.V., a Netherlands entity;

All of the outstanding shares of Shell Petroleum N.V. are 100% owned by Royal Dutch Shell plc, a public limited company of the United Kingdom;

The shares of Royal Dutch Shell plc are publicly traded on various global stock exchanges and in the U.S. as American Depository Receipts.

ii. *the dates such relationship existed;*

The information provided is current. Respondent objects to the requirement to reconstruct complex prior ownership and affiliations.

iii. *the percentage of ownership of Respondent that is held by such other entity(ies);*

See answer to 2(c)(i) above.

iv. *for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;*

See answer to 2(c)(i) above. Also see Attachment A for a list of entities directly and indirectly owned by Shell.

v. *provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of Respondent associated with the Subject Property or the EWOU; and*

Shell is unaware of any insurance policies currently in place that would provide potential coverage for any CERCLA remediation liabilities at the EWOU. Nevertheless, Shell is providing representative available insurance policies [HI-SHELL000266-HI-SHELL000273].

vi. *provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.*

See answer to 2(a) above.

3. Insurance Coverage

a. *Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the Subject Property or EWOU and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup and include the years such policies were in effect.*

Please refer to answer 2(c)(v) above.

b. *If there are any such policies from question "3a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:*

i. *the name and address of each insurer and of the insured;*

ii. *the type of policy and policy numbers;*

iii. *the per occurrence policy limits of each policy; and*

iv. *the effective dates for each policy.*

Please refer to answer 2(c)(v) above.

c. *Identify all insurance brokers or agents who placed insurance for Respondent at any time during the period being investigated, as identified at the beginning of this request and identify the time period during which such broker or agent acted in this regard.*

Please refer to answer 2(c)(v) above.

d. *Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of Respondent under any insurance policy in connection with the Subject Property or EWOU. Include any responses from the insurer with respect to any claims.*

Respondent has not identified any specific documents responsive to this request.

e. *Identify any previous settlements with any insurer in connection with the Subject Property or EWOU, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by Respondent or insurer.*

Respondent has not identified any specific documents responsive to this request.

f. *Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.*

Please refer to answer 2(c)(v) above.

g. *Identify Respondent's policy with respect to document retention.*

Shell objects to this request as being overly broad and outside the scope of the EPA's authority. Since 1998, Shell has had a Record Retention Program, which has been modified numerous times during subsequent years. Upon request and reasonable notice, Shell will produce all available documents relating to its record retention program and policies.

4. *Compliance with This Request*

a. *Describe all sources reviewed or consulted in responding to this Request, including, but not limited to:*

i. *the name and current job title of all individuals consulted; and*

ii. *the location where all documents reviewed are currently kept.*

Respondent consulted its corporate records, current employees, and knowledgeable former employees, if applicable, in responding to this request. The documents consulted are located in Houston Texas, Carson California, and Seattle Washington. Respondent objects to providing the location where individuals consulted reside for current employees or contractors who should be contacted through counsel. For those individuals, the name, title, and employment location are provided.

Name: Carol Campagna
Title: Region Manager – Shell DS Soil & Groundwater FDG-US West
Location: Carson, California

Name: Paul Katz
Title: Shell Seattle Terminal Manager
Location: Seattle, Washington

Name: Theresa Geijer
Title: Environmental Advisor – Shell Seattle Terminal
Location: Seattle, Washington

Name: Chuck Colson
Title: SEPCO - Production Engineer
Location: Houston, Texas

Name: Andrea Wing
Title: Principal Program Manager - Shell Soil & Groundwater FDG-US West
Location: Carson, California

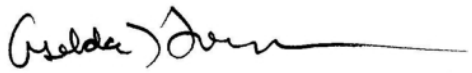
Name: Tyler Hemry
Title: Consultant, AECOM
Location: Seattle, Washington

Name: Bill Haldeman
Title: Consultant, PES Environmental, Inc.
Location: Seattle, Washington

Name: John Robbins
Title: Sr Program Manager – Shell DS Soil & Groundwater FDG-US West
Location: Chicago, Illinois

If you have any questions or concerns regarding this Response or have any problems accessing the data provided, please contact the undersigned at the address/phone number indicated on the first page of this Response or by email at Aselda.thompson@shell.com.

Best regards,
Shell Oil Company



Aselda Thompson
Legal Counsel, Global Safety and Environment

cc: Richard Mednick, EPA Regional Counsel, via email without attachments
Enclosure: 2 USB drives

AFFIDAVIT

I, Aselda Thompson, a representative of Shell Oil Company ("Shell"), 150 N. Dairy Ashford, Houston, Texas 77079, hereby certify that the foregoing responses of Shell to the EPA's CERCLA 104(e) Information Requests dated March 10, 2020 were prepared with the assistance of employees and consultants of Shell and these responses are based upon information gathered from various sources available within said corporation, including a search into appropriate records and inquiry with employees who might be familiar with the matter in question. The responses provided are based on and include all information available at the time this response is made. Shell reserves the right to make any changes or additions to the responses if it appears at any time that omissions or errors have been made therein and that more accurate information is available. Subject to the limitations hereinabove set forth, these responses are true and correct to the best of my knowledge, information, and belief.

Executed in Spring, Texas on this 4th day of September, 2020.

Aselda Thompson, Legal Counsel
Shell Oil Company

SWORN AND SUBSCRIBED before me this undersigned Notary Public on this 4th day of September, 2020.

MUHAMMAD FA'EI- ABDUL MUQTADIR
Notary ID #129901855
My Commission Expires
November 2, 2022

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS