ExxonMobil
Environmental Services Company
3225 Gallows Road
Fairfax, Virginia 22037

SDMS DocID 2225672

ORIGINAL

ExxonMobil

Ms. Joan Martin Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch St
Philadelphia, PA 19103-2029

Re: **Sauer Dump Superfund Site**
Dundalk, MD
US EPA Request for Information
42 USC Section 9604(e)

Dear Ms. Banks:

This is Exxon Mobil Corporation's response to your request for information under Section 104(e) of CERCLA for the Sauer Dump Superfund Site in Dundalk, Maryland. Thank you for extending ExxonMobil's deadline for responding, for an additional 30 days.

As you know, ExxonMobil has also been involved in two other Superfund sites in the Baltimore area, namely the Kane and Lombard Site and the 68th St Site. Consequently, the information provided herein has previously been reported and is part of the administrative record. For clarity, ExxonMobil wishes to note that the information provided for transactions to transport wastes from the Exxon Baltimore Terminal, was included in the 68th St record and was potentially related to the business relationship Exxon had with Robb Tyler and his entities.

Exxon did not have a business relationship with Fred Sauer, Jr. who, as you know, operated both the Kane and Lombard dump and the subject Sauer Dump in Dundalk. Exxon has no information relative to a nexus to Sauer's Dump Site at Lynhurst Road in Dundalk.

If additional information is required, please contact the undersigned.

Respectfully,

G. Stumpf
Exxon Mobil Corporation

Attachments

Exxon Mobil Corporation
(For ExxonMobil Refining and Supply Company)
Response to Information Request
Sauer Dump Site, Dundalk, MD
July 3, 2012

Exxon Mobil Corporation (ExxonMobil), as set forth in the following pages and the attachments hereto, provides EPA with the information that ExxonMobil has available and may be responsive to EPA's questions. However, ExxonMobil's response to each question is subject to the following objections, as general objections under CERCLA law:

1. ExxonMobil asserts all applicable privileges and protections it has with regard to EPA's enumerated inquiries including the attorney-client privilege, the attorney work product doctrine, materials generated in anticipation of litigation, and privileges for materials which are proprietary, company confidential, or trade secret.

2. ExxonMobil objects to any requirement to produce documents or information already in the possession of a government agency, already in the public domain, or previously provided to EPA. Such requirement is duplicative and, therefore, unnecessary and burdensome.

3. The Request for Information is overly broad and unduly burdensome in that it seeks information or documents regarding facilities other than the subject Site, and prior to and after ExxonMobil's potential involvement at the facilities. As such, each of these requests exceeds EPA's statutory authority under CERCLA and contravenes ExxonMobil's rights.

4. After a reasonable investigation, all ExxonMobil predecessors, affiliates and/or subsidiaries whose materials were allegedly taken to the Site, have already been identified to EPA in connection with the Kane and Lombard Superfund Site and the 68th St Superfund Site.

5. The Request is inappropriate to the extent it calls for ExxonMobil to provide legal conclusion concerning its potential liability under CERCLA for the Site. Notwithstanding responses that provide information on its waste materials and practices, ExxonMobil does not, by answering this Request or in any other way, admit responsibility or liability for the Site.

6. The 104(e) Request is excessively broad, vague, ambiguous, irrelevant, unduly burdensome, and not reasonably calculated to lead to information that can be legally obtained under Section 104(e), and therefore exceed EPA's statutory authority under CERCLA and contravenes ExxonMobil's constitutional rights. In responding to these requests, ExxonMobil relies on the definition of these terms as they are commonly used (*i.e.*, their dictionary definitions).

7. ExxonMobil objects to the Request to the extent it seeks trade secrets or other confidential business information.

Notwithstanding and without waiving these objections, and subject to them, ExxonMobil has prepared this response based upon the information available to it. Where questions or definitions are vague, ambiguous, overbroad, unduly burdensome, or beyond the scope of EPA's authority pursuant to Section 104(e) of CERCLA, ExxonMobil is making appropriate and reasonable efforts to provide responsive information based on ExxonMobil's interpretation of the Request. To the extent that information submitted herein is not required by law or is otherwise outside the scope of EPA's 104(e) authority, that information is voluntarily submitted. ExxonMobil waives no rights or protection of information it voluntarily submits.

RESPONSES

Question 1. What is the current nature of your activity? What was the nature of your activity during the period 1960 to 1990?

The information herein is provided for the ExxonMobil predecessor businesses located in the Baltimore area during the time in question. Standard Oil and Exxon Company USA had a marketing fuels terminal at 3601 Boston Street and a second fuels terminal located along Dundalk Avenue. Both terminals have long ceased operations, the Boston Street facility in 1987 and the Dundalk facility in 1976.

Boston Street Terminal – This terminal had limited asphalt processing and lube oil packaging. The lube oil packaging ceased approximately 1962 and the asphalt operation ceased in the 1970s. The terminal completely ceased all operations in 1987.

Dundalk Terminal – This terminal was located at the intersection of Dundalk and Eastern Avenues, and operated until 1976. It operated as a secondary fuels storage and distribution facility.

Question 2. Provide the following information regarding all wastes and by-products produced by you during the period 1960 to 1990:

a. The nature of each waste;

While no specific information is available, including chemical analyses, the following materials were generated by the various operations and processes during the indicated period:

1. General Terminal Activities
   - Office trash
   - Cardboard containers
   - Miscellaneous product spillage and cleanup materials

2. Asphalt Processing and Packaging
   - Damaged or useable solid asphalt packages
   - Product spillage
   - Waste solvent (Varsol, a petroleum solvent)

3. Motor Oil Packaging
   - Empty used and new defective product cans
   - Paper boxes
   - Product spillage

4. Packaging Warehouse
   - Damaged containers
   - Damaged or defective truck batteries
   - Defective/used tires
   - Soiled rags

5. Product Testing Lab
   - De micromis quantities of lab solvents
   - Empty containers from testing
   - Small volumes of petroleum product from sample containers
   - Paper trash
   - Soiled rags

6. Automotive Garage
    Used lube oils and automotive fluids
    Solvents
    Used batteries
    Used auto/truck parts
    Tires
    Absorbent material and soiled rags

7. Petroleum Product Storage
    Tank bottoms
    Oil/water separator oil

8. Empty 55 gallon drums that had contained petroleum products

b. The annual quantity of each waste used or generated;
We have located no information that is responsive to the request.

c. The process in which each waste was used;
See response to Question 2a., above.

d. The types of containers used to treat, store or dispose of each waste;
Solid materials were generally stored in dumpsters and removed periodically from the facility by Modern Trash Removal, Inc. (aka Modern Trashmoval).

Small quantities of liquids may have been stored in drums, prior to recycling the liquids in the terminal.

Liquid streams described in the response to Question 2a. above, were placed in large oil storage tanks, or sent directly to oil/water separators, for oil separation with discharge of the clarified water and storage and/or recycling of the recovered oil.

e. The method of treatment and/or disposal of each waste.

See response to Question 4, below.

3. Provide the names, titles, areas of responsibility, addresses and telephone numbers of all personnel during the period of 1960 to 1990 who may have a) disposed of or treated waste, b) arranged for the disposal or treatment of waste, and c) arranged for the transportation of wastes to the site.

No such persons have been identified that are still available.

4. Describe the methods used by you to dispose and/or treat waste during the period 1960 to 1990.

a. General terminal waste (trash) – These wastes were placed in dumpsters and periodically hauled away. Transactions (see Response 5) show the dumpsters were picked up and transported by Robb Tyler, Inc. using his hauling companies, Modern Trash Removal, Inc., and Modern, Inc.

b. Asphalt spillage – Spillage, after hardening, was broken up and hauled away by truck, or some smaller pieces may have been placed in dumpsters.

c. Motor oil packaging/ packaging warehouse wastes – Defective metal and plastic product cans, cardboard packaging, and absorbent material from small spills were placed in dumpsters and hauled away with other trash.

d. Product testing lab liquids – Small volumes of products used for testing were placed in drums and recycled into the oil separation system (oil/water separator). Small quantity of solvents were also placed in closed containers and recycled into the slop oil system.

e. Automotive garage maintenance waste materials – Used lube oils and automotive fluids were recycled into the oil/water separator system. Antifreeze was collected in drums and sent to a recycler. Limited used tires, batteries, and miscellaneous metal parts/scrap iron were sold to jobbers for recycling. Soiled rags were either sold to jobbers or possibly disposed in dumpsters.

f. Petroleum tank sludge, oil/water separator bottoms - These higher volume petroleum bottoms (oil mixed with water) were either placed in the separator system and the oil fraction reused in boilers. Tank cleaning for the terminal was performed by outside contractors, using their own trucks and equipment, who hauled away the oil and water for reprocessing. One such contractor was DEL-MAR-VA Pollution Control Co.

f. Empty drums – Drums used to collect miscellaneous petroleum liquids were emptied into the separator system or the slop oil system. The empty drums were either returned to the original supplier for reconditioning, or further used by Exxon at the terminal.

5. If your response to Question 4 includes the contracting of a hauler or transporter to transport and/or dispose of wastes, explain the arrangements for those transactions and provide documentation that confirms the nature of those transactions.

EX00001 to EX00016 are provided as the only transaction records available that show transporter information. These are invoice payments (check registers) from 1972 to 1975 for 1) Robb Tyler, Inc. (Box 9695, Baltimore, MD), 2) Modern Trashmoval, Inc. (901 Baltic Ave, Baltimore, MD), and 3) Modern (no address). No documents have been found, including contracts, which detail the nature of these transactions.

6. Did your activity make arrangements with any of the following companies: Robb Tyler, Inc., Herb Robertson, Modern Trash, Modern, Inc., North Point Trash Removal, Warren Parker Hauling, Refuse Disposal, Inc., FPR Bohager Company, Donald Siejack, Henry Siejack, Debris Disposal, Lawrence Jendras, Browning-Ferris Industries, Jerome Cross, Cross Efficient Trash Removal Service, Inc., FA Sauer & Son, and Modern Trashmoval, Inc., to transport and/or dispose of wastes?

See answer to Question 5, on the submittal of transaction records for Robb Tyler, Inc., Modern Trashmoval, and Modern for the period 1972 to 1975. No other documents were found to indicate activity with these transporters other than the time period 1972 to 1975.

If so, identify:
a. The person with whom you made such arrangements;
b. Every date on which arrangements took place;
c. The nature and quantity of the waste;
d. Precise locations at which each waste was disposed or treated;
e. The person who selected the Site as the place at which waste was disposed or treated;
f. The final disposition of each of the wastes, and
g. The names of employees, officers, owners, and agents for each transporter.

For each of the above questions, ExxonMobil has no additional information to be responsive, other than the information in the transaction records noted in Question 5. The transactions indicate that the Exxon Baltimore Terminal had a business relationship with Robb Tyler and his entities, which were previously reported relative to the 68th St Superfund Site in Rosedale, MD. In the US v Azrael litigation for the Kane and Lombard Site, interviews by EPA of employees of Robb Tyler indicated they may have picked up trash contained in dumpsters from the Baltimore Terminal facility (Exxon) and brought it to the 68th St Landfill in Rosedale, MD during at least some of the time period in question.

ExxonMobil has no documents demonstrating a business relationship with Fred Sauer, Jr. and his entities such as North Point Trash Removal, to transport and/or dispose of wastes at the subject Sauer Dump on Lynhurst Road in Dundalk. In addition, in US v Azrael litigation for the Kane and Lombard Site, depositions by both Fred Sauer, Jr. and his brother Louis Sauer, state that Exxon had no business relationship with Fred Sauer or North Point Trash Removal (dep F.A. Sauer, Jr., 9/13/72; dep L.W. Sauer, 1972, Vol. I)

7. For each and every instance in which your activity arranged for disposal or treatment of waste at the Site identify:

a. The characteristics of each waste;
b. The persons who supplied you with waste material disposed or handled by you;
c. How such wastes were used or handled by you;
d.. When and where such wastes were used or handled by you;
e. The quantity of the wastes which were used or handled by you, and
f. Any billing information and documents in your possession regarding arrangements to generate, treat, store, transport or dispose of wastes at the Site.

ExxonMobil has no information responsive to this Question. ExxonMobil had no business relationship and has no transactional information demonstrating any disposal of wastes at the subject Site at Lynhurst Road in Dundalk.

8. Provide the names, titles and areas of responsibility of any persons, who may be knowledgeable of your waste disposal practices, whether or not involving disposal at the Site, during the period 1960 to 1990.

Mark Zuschek and Gary Stumpf

9. Describe any permits or applications and any correspondence between you and any regulatory agencies regarding wastes transported to or disposed of at the Site.

ExxonMobil has no information that is responsive to this Question.

10. Provide copies of any correspondence between you and any third party regarding wastes transported to or disposed of at the Site.

ExxonMobil has no information that is responsive to this Question.

11. Provide the identity of, and copies of any documents relating to any other person who generated, treated, stored, transported or disposed, or who arranged for the treatment, storage, disposal or transportation of such wastes to the Site.

ExxonMobil has no information that is responsive to this Question.

12. Provide the identities of all predecessors in interest who, during the period 1960 to present, transported, stored, treated, or disposed of any wastes at the Site. Describe all changes in ownership from 1960 to the present, including the date of the ownership and identify the type of change.

ExxonMobil has no predecessors who transported, stored, treated, or disposed of any wastes at the Site. Generally, Exxon Mobil Corporation predecessor in 1960 was Esso Company, followed by the name change to Exxon Company USA in 1973, and followed by the merger of Exxon and Mobil Oil Corporation in 1999 to Exxon Mobil Corporation (ExxonMobil). In addition, some older documents may show the predecessor name of Standard Oil, which was the original name of Esso.

13. Provide the name, title, address, and telephone number of the person answering these questions on behalf of the respondent.

The persons who prepared the responses on behalf of ExxonMobil are:

Mr. Gary Stumpf Exxon Mobil Corporation 3225 Gallows Rd Fairfax, VA 22037 703-846-6076	Mark A. Zuschek, Esq. Exxon Mobil Corporation 3225 Gallows Rd Fairfax, VA 22037 703-846-2793

14. For each Question, provide the name, title, area of responsibility, current address and telephone number of all persons consulted in the preparation of the answers.

Individuals consulted are shown in the response to Question 8.

Mark Zuschek

15. If you have reason to believe that there may be persons able to provide more detailed or complete responses to any question, provide the names, titles, areas of responsibility, addresses, and telephone numbers of such persons.

Previous litigation (US v Azrael) and the EPA's administrative record for the Kane and Lombard Superfund Site, and the administrative record for the 68th St Superfund Site, both of which EPA is involved, may provide the information that EPA is seeking relative to other parties who may have information and/or a nexus to the subject Sauer Dump Site in Dundalk.

16. For each and every question, if information or documents responsive to this Information Request are not in your possession, then provide the names, titles, areas of responsibility, current address and telephone numbers of the persons from whom such information or documents may be obtained.

See answer to Question 15.

17. If you have information about other parties who may have information, or who may be responsible, please provide such information.

See answer to Question 15.