ExxonMobil
Environmental Services Company
3225 Gallows Road
Fairfax, Virginia 22037

ExxonMobil

October 25, 2012

Via Email and UPS Overnight

Keith Olinger, SFD-7-5
United States Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, CA 94105
415-972-3125

Re: Omega Chemical Corporation Superfund Site
U.S. EPA Supplemental Request for Information

Dear Mr. Olinger:

Exxon Mobil Corporation (hereafter "Exxon Mobil") strongly objects to the continued requests for additional information related to the Omega Chemical Superfund Site ("Omega" or the "Site"). As you know, in 2005 Exxon Mobil participated in a deminimis settlement with the US Environmental Protection Agency (EPA) for the referenced Site which included releases from the Site.

Additional information was again requested by the EPA in a July 2011, 104(e) request for information related to specific properties located hydraulically down-gradient from the Site, specifically 10607 and 10629 Norwalk Boulevard and 10623 and 10628 Fulton Avenue, Santa Fe Springs, CA (the Property). In October 2011, Exxon Mobil responded to that request with all available and relevant information. Furthermore, the referenced Property ceased operation as an Exxon Mobil oil production facility more than 20 years ago.

Notwithstanding, this letter and its attachments constitute the response of Exxon Mobil to the Section 104(e) information request (the "Request") that EPA sent in connection with the Site. That Request was received by Exxon Mobil in August 2012.

GENERAL OBJECTIONS

This Request is overly broad and unduly burdensome and seeks information that is irrelevant and not calculated to lead to information that can legally be obtained under Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and therefore exceeds EPA's statutory authority under CERCLA. Section 104(e) of CERCLA grants "[a]ny officer, employee, or representative of the President, duly designated by the President..."

the right to seek information under Section 104 (e)(2) through (4) of CERCLA. EPA has been designated by the President. Section 104 (e)(2) allows EPA to seek the following information:

> (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
>
> (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
>
> (C) Information relating to the ability of a person to pay for or to perform a cleanup.

EPA may also enter "[a]ny vessel, facility or establishment, or other place or property…." and take samples. 42 U.S.C. § 9604(e)(3). Similarly, EPA may inspect such locations and take samples. However, Section 104(e)(1) indicates that EPA's authority under 104(e) "may be exercised only for the purposes of determining the need for response, or choosing or taking any response action under this subchapter, or otherwise enforcing the provisions of this subchapter." 42 U.S.C. § 9604(e)(1).

Thus, while EPA may require the submission of relevant information for the appropriate purposes, its authority is not unlimited. Even EPA's enforcement rights are limited. EPA may ask the Attorney General to commence a civil action to compel compliance with a 104(e) request, but, by statute, the court can only direct compliance with a 104(e) request if "there is a reasonable basis to believe there may be a release or threat of a release of a hazardous substance." 42 U.S.C. § 9604(e)(5)(B). Even then, it cannot do so if "under the circumstances of the case the demand for information or documents is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 42 U.S.C. § 9604(e).

Exxon Mobil, as set forth in the following pages and the attachment hereto, is providing to EPA the information readily available to Exxon Mobil. Moreover, Exxon Mobil is willing to provide any additional specific information requested by EPA in compliance with CERCLA to the extent that it is relevant and reasonably available. However, both Exxon Mobil's response and any future information it may provide are subject to the following objections (hereafter the "General Objections"):

1. Exxon Mobil objects to the Request to the extent that it seeks information beyond what is authorized by Section 104(e).

2. Exxon Mobil 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, and materials generated in anticipation of litigation, and has attempted to exclude such materials form this response. As a result of providing any of the documents or information included in its response to EPA's request, Exxon Mobil does not waive any privilege, including attorney work product protection, that may apply to any documents or information concerning the same subject matter which are privileged, confidential or subject to attorney work product protection. In addition, Exxon Mobil asserts all applicable privileges for materials which are proprietary, company confidential, or trade secret.

3. The Request is overly broad and unduly burdensome in that it seeks information or documents regarding operations after Exxon Mobil's ownership or occupancy of the facilities. As such, each of these requests exceeds EPA's statutory authority under CERCLA and contravenes Exxon Mobil's rights.

4. Exxon Mobil objects to any requirement to produce documents or information already in the possession of a governmental agency, documents available through the public domain, documents previously provided to EPA or general industry practices. Such requirement is duplicative and, therefore, unnecessary and burdensome.

5. Exxon Mobil disavows any obligation to supplement these responses on an ongoing basis. CERCLA Section 104(e)(2) authorizes EPA to require submission of information upon reasonable notice. Exxon Mobil has previously provided all relevant information to EPA within Exxon Mobil's October 2011 104(e) response. Notwithstanding the foregoing, if more information is desired, Exxon Mobil is willing to provide additional information if specifically requested by EPA in the future and in compliance with CERCLA provided that the information is relevant, reasonably available, has not already been provided, and is not otherwise subject to these objections.

6. Under CERCLA Section 101(14), the term "hazardous substance" is defined to exclude petroleum, including crude oil or fractions thereof. Exxon Mobil has not discovered any evidence that it generated, treated, stored or disposed of materials other than petroleum at the Property.

Notwithstanding and without waiving these objections, and subject to them, Exxon Mobil has prepared this response based upon the information available to it. Where questions or definitions are vague, ambiguous, overly broad, unduly burdensome, or beyond the scope of EPA's authority pursuant to Section 104(e) of CERCLA, Exxon Mobil is making appropriate and reasonable efforts to provide responsive information based on Exxon Mobil'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. Exxon Mobil waives no rights or protection of information it voluntarily submits.

RESPONSES

Subject to the foregoing, Exxon Mobil provides the following responses:

For All Respondents:

1. State the full legal name, address, telephone number, position(s) held by, and tenure of, the individuals answering any of these questions on behalf of Exxon Mobil Corporation, and/or any of its predecessors, subsidiaries, affiliated businesses or commercial enterprises, or successor companies (collectively hereinafter, "ExxonMobil") concerning the facility and/or facilities formerly located at 10607 Norwalk Boulevard, Santa Fe Springs, CA and/or the addresses identified in this Question Number 1 (the "Property"). For purposes of this information request, in addition to 10607 Norwalk

Boulevard, the Property also includes the parcels designated with current Assessor's Parcel Numbers 8009-025-067, 8009-025-069, and 8009-025-070 and/or for Assessor's Parcel Number 8009-025-008, where ExxonMobil's operation and/or ownership occurred. EPA has information indicating that ExxonMobil owned and operated property with the following current street addresses: 10623 Fulton Wells Avenue, Santa Fe Springs, CA; 10628 Fulton Wells Avenue, Santa Fe Springs, CA; and 10629 Norwalk Boulevard, Santa Fe Springs, CA.

Steven P. Anastos
ExxonMobil Environmental Services Company
3225 Gallows Road
Fairfax, VA 22037
Office: (703) 846-3393

2. Provide a description of all maintenance and cleaning activities at the Property, organized by time period, associated with oil production (including, but not limited to, cleaning and repairing pipes and tanks) and any other operations at the Property. If Property-specific information is not available, provide procedures that Exxon Mobil likely would have used for operation and maintenance activities during its period of operation at the Property. If company-specific information is not available, provide industry standards that ExxonMobil likely would have adhered to in its operations and maintenance activities during its period of operation and/or ownership at the Property.

Exxon Mobil has made an extensive search of historical records but did not locate any responsive documents or information related to maintenance and cleaning activities that occurred at the Property. Exxon Mobil did not locate procedures that Exxon Mobil would have likely used for operation and maintenance activities at the Property; nor has it located industry standards that might have been used during the operational period in question. As a general rule, industry standards would not have been kept on file. Historical industry standard operation and maintenance practices for oil production facilities may be available through publically available sources.

3. Identify all materials used in maintenance activities (such as degreasers and solvents), including trade names, composition and quantities used, at the Property and time periods for such use. If Property-specific information is not available, provide a list of materials likely used by Exxon Mobil for maintenance activities during its period of operation at the Property. If company-specific information is not available, provide a list of standard materials used by the industry that ExxonMobil is likely to have used for maintenance activities during its period of operation and/or ownership at the Property.

Exxon Mobil has made an extensive search of historical records but did not locate any responsive documents or information related to materials used in maintenance activities that occurred at the Property. Exxon Mobil did not locate information related to materials used in maintenance activities that Exxon Mobil would have likely used for operation and maintenance activities at the Property. Exxon Mobil did not locate industry standard maintenance materials that might have been used during the operational period in question.

4. Provide as-built and/or detailed tank and piping diagrams for the Property, which include all tanks, piping, sewer inlets and lines, drains, loading and unloading areas.

Exxon Mobil has made an extensive search of historical records but did not locate any responsive documents or information related to as-built and/or detailed tank and piping diagrams for the Property. Specifics of tanks and piping would vary from company to company. Industry standards were not located and would not have been kept on file.

A property plan entitled "Hathaway Company Jalk Lease Pipelines" and dated June 1996, is attached to this submittal (Attachment 1). The Property plan indicates the location of above ground tanks and piping at that time, which is at least eight years after Exxon Mobil had ceased operating the Property.

5. State whether any of the tanks at the Property had valves at the base of the tank. Describe in detail how materials such as tank bottoms and cleaning solutions were drained or removed from the tanks and pipes. In your description include details regarding how tank bottoms and wastes from cleaning were handled and disposed. Provide any documents in your possession which are responsive to this request. Either provide a map showing the location of each tank, or if a map is not available, describe in detail the location of each tank.

Exxon Mobil has made an extensive search of records but did not locate any responsive documents or information related to the location or presence of valves at the base of the tanks. Typical above ground storage tanks do have valves at the bottom of the tank which allow for the tank to be emptied.

No responsive documents were located describing how tank bottoms or, if present, cleaning solutions, were drained or removed from tanks and pipes, nor how these materials were handled and disposed.

6. Did Exxon Mobil have a sewer system at the Property? If so, state the time period of the operation. As part of your response, provide details regarding what portions of the Property drained to the sewer system and where it was discharged. Provide any documents in your possession which are responsive to this request

Exxon Mobil has found no record that a sewer system was installed on the Property. A check with Los Angeles County confirmed that there are no existing sewer records/permits for the Property.

CLOSING STATEMENT

Notwithstanding the foregoing, if EPA has a specific relevant question about a particular issue relevant to the Property and has a reasonable need for such information in connection with the Site, we will conduct an additional and more targeted search provided that we are given adequate time to do so. Please address further correspondence to our counsel, Mark Zuschek whose address and telephone are set forth below.

Mark A. Zuschek
Exxon Mobil Corporation
3225 Gallows Road
Fairfax, VA 22037
Office: (703) 846-2793

Very truly yours,

Steven P. Anastos, PG
Project Manager
ExxonMobil Environmental Services Company

Attachment

Cc: M. Zuschek