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April 20, 2018

VIA OVERNIGHT MAIL

Marvin Benton, Esq.
Senior Staff Attorney
Office of Regional Counsel (6RC-S)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Re: General Notice Letter Addressed to Kinder Morgan, Inc.
Wilcox Oil Refinery Superfund Site
Bristow, Creek County, Oklahoma

Dear Mr. Benton:

I write on behalf of Kinder Morgan, Inc. ("Kinder Morgan") in response to the General Notice Letter ("GNL") for the Wilcox Oil Refinery Superfund Site (the "Site"), dated March 27, 2018, which Kinder Morgan received on March 29, 2018. In that letter, the United States Environmental Protection Agency ("EPA") alleged that Kinder Morgan is a "prior owner of the Site[,]" referencing as evidence Kinder Morgan's January 7, 2013 response to EPA's CERCLA § 104(e) Information Request dated October 25, 2012 (the "104(e) Response").

At the outset, it is important to point out that the circumstances surrounding the issuance of the GNL to Kinder Morgan appear rather irregular. EPA issued the GNL more than five years after receiving the documents upon which the GNL is allegedly based, a delay that is out of keeping with Agency practice. Moreover, as noted below, the GNL is based on a factual predicate that is verifiably incorrect, is not supported by the materials referenced in the GNL and is contradicted by EPA's own work product pertaining to the Site.

Please be advised that Kinder Morgan has never owned or held any property interest in any of the parcels within the Site. The 104(e) Response referenced by EPA contains no information to suggest otherwise. Furthermore, EPA's own title search of the parcels within the Site did not identify Kinder Morgan as an owner at any point in time. *See* Toeroek Associates, Inc., *Draft Title Search Report, Wilcox Oil Superfund Site*, EPA Doc. No. 9611767 (April 8, 2014).

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In light of the above, Kinder Morgan respectfully requests that EPA withdraw the GNL. In the alternative, Kinder Morgan respectfully requests that EPA provide specific information to support its allegation of prior ownership set forth in the GNL.

Very truly yours,

Ross A. Lewin

RAL/aem