From: Bukhari, Samir
To: Kopf, Jeff
Cc: Wagner, Michael
Subject: RE: Exxon Mobil NPDES permit MA0000833
Date: Tuesday, June 07, 2016 1:47:00 PM

Hi Jeff, thanks. George, it would be great it you would be available to attend. Can you let me know what dates work for you? Thanks, Samir

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From: Kopf, Jeff
Sent: Tuesday, June 07, 2016 12:20 PM
To: Bukhari, Samir <Bukhari.Samir@epa.gov>
Cc: Wagner, Michael <wagner.michael@epa.gov>
Subject: RE: Exxon Mobil NPDES permit MA0000833

Hi Samir,
Sure, I'd be glad to attend. Here's my availability w/ respect to those dates:

Friday June 24th I'm on Leave.
Tuesday June 28th I have a big meeting with the City of Fall River, the State, and CLF here from 11 to 1. Other than that, ok although I'd rather not have this meeting on that day as well.

Wed Thurs ok any time.

Should I see if George Harding wants to attend? He looked at the 60 day notice and had questions about all the PAH violations that CLF alleged.

He sent me the following concerns:

- Re: the CWA toxic pollutant violations alleged by CLF, the permit limit of 0.031 ug/l is well below the detection limit of the available test methods. A footnote in the permit states "Compliance/non-compliance for Polycyclic Aromatic Hydrocarbons (PAHs) for discharges at outfall 01A shall be 10 µg/l for individual PAHs." This is what ICIS is using to evaluate permit compliance. The only other effluent violations cited are two maximum day TSS violations, one in 2010 (beyond the statute of limitations) and one in 2014.
    - Compliance is to be judged against the 10 ug/l compliance limit. This was included in the 1991 permit, and maintained in the current permit.

- There is a discussion of minimum levels for PAHs in the Fact Sheet that notes that analytical methods have improved since 1991, and the permit specifies that the test methods used have to meet MLs that are much lower than 10 ug/l. I'm not sure why the compliance level wasn't also lowered. The permit had been appealed by Exxon, and as part of a settlement EPA withdrew the contested conditions. Without digging out the permit files I don't know whether these included a lower compliance level.

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From: Bukhari, Samir
Sent: Tuesday, June 07, 2016 11:49 AM
To: Kopf, Jeff <Kopf.Jeff@epa.gov>
Subject: FW: Exxon Mobil NPDES permit MA0000833

Hi Jeff, would you be available for a meeting with Exxon over compliance with their permit? You will see the history of this request below. I think the company's concern at this point is determining what portions of the 2008 permit (which was appealed) went into effect and when. If you are interested in attending, let me know your availability on the dates below. Thanks, Samir

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From: Webster, David
Sent: Tuesday, June 07, 2016 8:31 AM
To: Williams, Ann <Williams.Ann@epa.gov>; Bukhari, Samir <Bukhari.Samir@epa.gov>
Cc: Houlihan, Damien <houlihan.damien@epa.gov>; Weitzler, Ellen <Weitzler.Ellen@epa.gov>
Subject: FW: Exxon Mobil NPDES permit MA0000833

Ann/Samir,
Determining compliance, violations, and when certain permit limits were in effect would appear to be a OES call, in consultation with ORC/OEP to inform OES of the nature of the period between issuance of the 2008 permit and the 2011 modification. Agree? I suggest OES be part of any meeting if we agree to this.

David

From: dianne.phillips@hklaw.com [mailto:dianne.phillips@hklaw.com]
Sent: Tuesday, June 07, 2016 8:16 AM
To: Williams, Ann <Williams.Ann@epa.gov>
Cc: Webster, David <Webster.David@epa.gov>; Bukhari, Samir <Bukhari.Samir@epa.gov>; Weitzler, Ellen <Weitzler.Ellen@epa.gov>
Subject: RE: Exxon Mobil NPDES permit MA0000833

Hi Ann,

I am just checking back from our conversation last week. Is there any chance we could come to your office on one of the following days to review the Exxon Mobil permit compliance limits for the last few years (2008 to date)? We want to be sure we are on the same page before responding to CLF. As folks may remember, there was some initial confusion about the compliance limits, especially during the period the contested conditions were stayed. We are available any of the following dates:

- Friday, June 24
- Tuesday, June 28
- Wednesday, June 29
- Thursday, June 30

I am leaving later today for vacation (Norway & Denmark), but will be monitoring e-mail while traveling. I look forward to hearing from you.

Best regards,
Dianne

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From: Phillips, Dianne R (BOS - X75818)
Sent: Thursday, June 02, 2016 6:19 PM
To: 'williams.ann@epa.gov' <williams.ann@epa.gov>
Cc: David Webster <Webster.David@epamail.epa.gov>; 'Bukhari.Samir@epamail.epa.gov' <Bukhari.Samir@epamail.epa.gov>; 'Weitzler.Ellen@epamail.epa.gov' <Weitzler.Ellen@epamail.epa.gov>

Subject: Exxon Mobil NPDES permit MA0000833

Ann,

It was great to speak with you this afternoon. As we discussed, I am writing to request a meeting with you and the folks copied on this e-mail on behalf of our client Exxon Mobil. As I mentioned, the CLF Notice of Intent alleges, among other things, violations of the NPDES permit during the period between issuance of the 2008 permit and the 2011 modification (as well as subsequent alleged violations) which I believe are erroneous. We would like to meet with you to review the permit effluent compliance limits in effect during the relevant period (some of which relate to application of the contested conditions stay) and confirm EPA's views of the applicable limits. As we discussed, the permit history is complex & we want to be sure we are all on the same page. I appreciate your willingness to assist (subject to scheduling of course).

We are available the following dates (at any time):

- Friday, June 24
- Tuesday, June 28
- Wednesday, June 29
- Thursday, June 30

Would any of those work for you all?

As I mentioned, I am leaving for a vacation out-of-the country next Tuesday (June 7) and would love to get something on the calendar (if possible) before I go. Let me know what you think.

Best regards, Dianne
P.S. I will be monitoring e-mail while away periodically.

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