



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 1

1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

**VIA FEDERAL EXPRESS AND ELECTRONIC SUBMISSION**

November 20, 2008

Ms. Eurika Durr  
U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
1341 G Street, N.W. Suite 600  
Washington, D.C. 20005

Mr. Arthur Powers  
Terminal Supervisor  
ExxonMobil Pipeline Company  
52 Beacham Street  
Everett, Massachusetts 02149

**Re: ExxonMobil Oil Corporation  
Notice of Uncontested and Severable Conditions  
NPDES Appeal No. 08-23  
NPDES Permit No. MA0000833**

Dear Ms. Durr and Mr. Powers:

The ExxonMobil Oil Corporation ("ExxonMobil") timely petitioned the U.S. Environmental Protection Agency Environmental Appeals Board ("Board") for review of NPDES Permit No. MA0000833 ("Permit"), on October 29, 2008. The Permit was issued by the New England Regional Office of the U.S. EPA ("Region") on September 29, 2008.

Pursuant to 40 C.F.R. § 124.19, ExxonMobil seeks review of the following permit requirements:

<b>Part</b>	<b>Permit Term</b>
Part I.A.1	Outfall 001B elimination
Part I.A.14	Peak flow
Part I.A.21	Certification and flow control
Part I.A.14 and 21	Flow and operational restrictions
Part I.A.14 and 21	10 year, 24-hour storm
Part I.A.1, Oil and Grease	5 mg/l
Part I.A.1, Benzene	5 µg/l

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Part I.A.1, BTEX	100 µg/l
Part I.A.1, Methyl Tertiary-Butyl Ether	70 µg/l
Part I.A.18	Compliance/noncompliance for Polycyclic Aromatic Hydrocarbons (PAHs)
Part I.A.1, footnote 9	Monthly metals and hardness monitoring
Part I.A.1	Hardness, total solids, calcium, and magnesium sampling
Part I.A.1, footnote 1	Heated purge requirement
Part I.A.1, footnote 1	Ethanol analytical method
Part I.A.1, footnote 8	WET testing
Part I.A.17	Notification
Part I.A.23.f	Notification
Part I.B.4.e	Manage salt

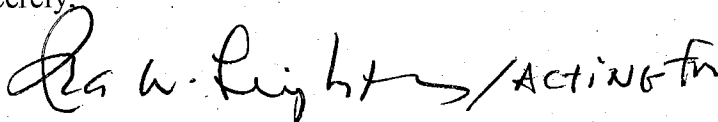
The foregoing requirements are referred to as the "Contested Conditions," and all other conditions of the Permit are referred to as "Uncontested Conditions."

Pursuant to 40 C.F.R. §§ 124.16(a) and 124.60(b), I hereby notify you of my determination that the Contested Conditions are stayed during the pendency of this appeal and until final agency action under 40 C.F.R. § 124.19(f). With respect to each of the Contested Conditions, the corresponding term in ExxonMobil's prior permit issued March 6, 2000, including paragraph I.A.2 of that permit, shall remain in effect.

I further notify you of my determination that the Uncontested Conditions of the Permit are severable from the Contested Conditions, with the exception of the ethanol reporting requirement set forth in Part I.A.1 of the Permit and the inspection, operation and maintenance requirements set forth in Part I.A.11 of the Permit. The uncontested and severable conditions of the Permit shall become fully effective enforceable obligations on January 1, 2009.

If you have any questions regarding this notice, please feel free to contact Samir Bukhari, the Region's legal counsel in this matter, at 617-918-1095, or Ellen Weitzler, in our Office of Ecosystem Protection, at 617-918-1582.

Sincerely,



Robert W. Varney  
Regional Administrator

cc: Dianne R. Philips, Esq. (Holland & Knight)  
Cynthia Liebman, Esq. (Conservation Law Foundation)  
Minka Van Beuzekom (Mystic River Watershed Association)