

Date: June 2, 2009

**U.S. Environmental Protection Agency
Office of Regional Counsel
One Congress Street, Suite 1100
Boston, MA 02114-2023
Phone: (617) 918-1148
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PLEASE DELIVER TO:

**Eurika Durr
Clerk of the Board, U.S. Environmental Appeals Board
(202) 233-0121**

**From: Samir Bukhari
Attorney, Office of Regional Counsel
EPA, Region 1**

Number of Pages to Follow: 4

**RE: Status Report
ExxonMobil Oil Corporation
NPDES Appeal No. 08-23
Permit No. MA0000833**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

June 2, 2009

By Facsimile and First Class U.S. MailU.S. Environmental Protection Agency
Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001Re: *In re: ExxonMobil Oil Corporation*, NPDES Permit No. MA0000833, Appeal
No. NPDES 08-23

Dear Ms. Durr:

Please find enclosed for docketing an original and five (5) copies of a Status Report in connection with the above-referenced permit appeal.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Samir Bukhari", written over a horizontal line.

Samir Bukhari
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA - Region 1
1 Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023
Tel: (617) 918-1095
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cc: Recipients Listed on Certificate of Service

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:)

ExxonMobil Oil Corporation)

NPDES Permit No. MA0000833)
_____)

NPDES Appeal No. 08-23

STATUS REPORT


On May 26, 2009, Region 1 of the United States Environmental Protection Agency ("Region") and the ExxonMobil Oil Corporation ("ExxonMobil") filed a Third Joint Motion for Stay of Proceedings and Request for Status Conference ("Third Joint Motion"), with the U.S. EPA Environmental Appeals Board ("Board"). In response, a staff attorney from the Board contacted the Region and requested that the parties provide an estimate of how much additional time would be required for settlement proceedings to fully conclude.

As described in the Third Joint Motion, the parties held settlement negotiations in Boston, Massachusetts, on May 28, 2009. These discussions were highly productive and significantly narrowed the range of pending issues. The parties believe they are converging toward full resolution of the relatively few issues still in dispute. For each remaining issue, the parties are actively considering outstanding proposals or are preparing counter proposals. The Region has agreed to submit a revised version of the proposed permit modification for ExxonMobil's consideration as soon as practicable, but no later than three weeks, and ExxonMobil has agreed to review and respond to this submission according to a similar

timeframe. Concurrently, the parties have agreed to begin drafting a memorandum of understanding that will memorialize certain aspects of the settlement not addressed by the proposed permit modification.

The parties estimate that these activities, combined with the time required for management approval of any final settlement and stakeholder outreach, will likely take approximately ninety (90) days. By that time, the parties expect to be in a position to file the necessary papers to resolve the pending appeal. While the parties acknowledge that these settlement negotiations have already necessitated multiple stays of considerable length, the parties believe that clear progress is being made toward carefully crafting an innovative permitting scheme that will deliver significant environmental benefits (beyond even those of the appealed permit) to the Island End River. If settlement efforts should falter and a negotiated resolution of this appeal becomes unlikely, the parties will promptly inform the Board, recommend a course of action, and move for other appropriate relief as necessary.

Respectfully submitted,



**U.S. Environmental Protection Agency,
Region 1**
By its counsel,

Samir Bukhari
Office of Regional Counsel
U.S. EPA-Region 1 (RAA)
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June 2, 2009



ExxonMobil Oil Corporation
By its counsel,

Dianne R. Philips
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10 St. James Avenue
Boston, MA 02116
Phone: (617) 573-5818
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June 2, 2009

CERTIFICATE OF SERVICE

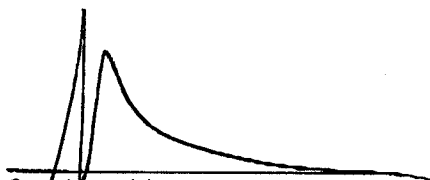
I, Samir Bukhari, hereby certify that on June 2, 2009, I served a true copy of the Status Report on the following parties in the manner indicated:

Via Facsimile and First Class U.S. Mail

U.S. Environmental Protection Agency
Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Via Electronic Mail and First Class U.S. Mail

Dianne R. Phillips
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