

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**UNITED STATES OF AMERICA and
STATE OF ARKANSAS**

PLAINTIFFS

VS.

NO. 4:13CV00355-KGB

**EXXONMOBIL PIPELINE COMPANY and
MOBIL PIPE LINE COMPANY**

DEFENDANTS

**DEFENDANT MOBIL PIPE LINE COMPANY'S ANSWER AND DEFENSES
TO PLAINTIFFS' COMPLAINT**

Defendant Mobil Pipe Line Company ("Defendant" or "MPLCo"), for its answer to the Complaint filed on June 13, 2013, by Plaintiffs the United States and the State of Arkansas ("Plaintiffs"), states as follows:

ADMISSIONS AND DENIALS

NATURE OF THE ACTION

1. MPLCo admits that the Complaint purports to be a civil action against ExxonMobil Pipeline Company ("EMPCo") and MPLCo; that on or about March 29, 2013, oil was released from the Pegasus pipeline at or near the Northwoods subdivision in Mayflower, Faulkner County, Arkansas; that oil also came into contact with certain other areas prior to containment; that certain houses in the Northwoods subdivision were evacuated; that remediation efforts are ongoing; and that certain impacts resulted from the release. MPLCo denies that unlawful conduct occurred. MPLCo is without knowledge or information sufficient to form a

belief as to the truth of the remaining allegations contained in Paragraph 1, and therefore denies the same.

2. MPLCo admits that the United States purports to bring claims under sections 311(d)(7)(B) and 309(d) of the Clean Water Act. 33 U.S.C. §§ 1321(d)(7)(B), 1319(b). MPLCo admits that the United States seeks civil penalties and injunctive relief, but denies that any violations have occurred and denies that the United States is entitled to such relief.

3. MPLCo admits that the state of Arkansas purports to bring claims under the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101, *et seq.*, the Arkansas Hazardous Waste Management Act, Ark. Code Ann. § 8-7-201 *et seq.*, the Oil Pollution Act, 33 U.S.C. § 2717(f)(2), and the Declaratory Judgment Act, 28 U.S.C. § 2201(a). Pursuant to this Court's Order of September 9, 2013, Count 6 of Plaintiffs' Complaint, containing claims under the Oil Pollution Act and Declaratory Judgment Act, has been dismissed without prejudice. (Doc. 18.) MPLCo admits that the state of Arkansas seeks civil penalties, recovery of response costs, and damages, but denies that any violations have occurred and denies that the state of Arkansas is entitled to such relief.

JURISDICTION, AUTHORITY, AND VENUE

4. MPLCo avers that the allegations contained in Paragraph 4 constitute conclusions of law to which no response is required, and therefore denies the same.

5. MPLCo avers that the allegations contained in Paragraph 5 constitute conclusions of law to which no response is required, and therefore denies the same.

6. MPLCo does not admit that jurisdiction is proper, but to the extent that jurisdiction is proper, MPLCo does not object to venue in this judicial district.

THE PARTIES

7. MPLCo admits that EPA purports to be serving as the lead federal agency in the oversight of spill cleanup efforts. MPLCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 7, and therefore denies the same. To the extent that Paragraph 7 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

8. MPLCo admits that ADEQ purports to be serving as the lead state agency in the oversight of spill cleanup efforts. MPLCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 8, and therefore denies the same. To the extent that Paragraph 8 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

9. MPLCo admits that EMPCo operates the Pegasus Pipeline. MPLCo admits that EMPCo is incorporated in Delaware and that its headquarters are in Houston, Texas. To the extent that Paragraph 9 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

10. MPLCo admits that it owns the Pegasus Pipeline. MPLCo admits that it is incorporated in Delaware and that its headquarters are in Houston, Texas. To

the extent that Paragraph 10 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

FACTS

11. MPLCo admits that it owns and EMPCo operates the Pegasus Pipeline. To the extent that Paragraph 11 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

12. MPLCo admits that the Pegasus Pipeline currently runs from Patoka, Illinois to Nederland, Texas and has been used to transport Wabasca Heavy crude that originated in Canada. MPLCo denies the remaining allegations contained in Paragraph 12.

13. MPLCo admits that on or about March 29, 2013, the Pegasus Pipeline ruptured in or near the Northwoods subdivision in Mayflower, Arkansas. MPLCo denies the remaining allegations contained in Paragraph 13.

14. MPLCo admits that oil from the pipeline came into contact with certain areas prior to containment, including an unnamed creek and wetlands. MPLCo denies that oil reached the main body of Lake Conway. MPLCo admits that when waters of Lake Conway are released from or around the dam between Lake Conway and Palarm Creek, such waters flow down Palarm Creek and into the Arkansas River. MPLCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 14, and therefore denies the same.

15. MPLCo admits that 22 homes in the Northwoods subdivision were evacuated. MPLCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 15, and therefore denies the same.

16. MPLCo is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16, and therefore denies the same.

17. MPLCo is without knowledge or information sufficient to form a belief as to the extent and nature of any impact and contamination resulting from the release and, therefore, denies the allegations contained in Paragraph 17.

18. MPLCo denies the allegations contained in Paragraph 18.

19. MPLCo denies the allegations contained in Paragraph 19.

20. MPLCo denies the allegations in Paragraph 20.

21. MPLCo denies the allegations in Paragraph 21.

22. MPLCo denies the allegations contained in Paragraph 22. To the extent that Paragraph 22 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

23. MPLCo denies the allegations contained in Paragraph 23. To the extent that Paragraph 23 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

24. MPLCo denies the allegations contained in Paragraph 24. To the extent that Paragraph 24 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

25. MPLCo denies the allegations contained in Paragraph 25. To the extent that Paragraph 25 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

26. MPLCo denies the allegations contained in Paragraph 26. To the extent that Paragraph 26 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

27. MPLCo denies the allegations contained in Paragraph 27. To the extent that Paragraph 27 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

28. MPLCo denies the allegations contained in Paragraph 28. To the extent that Paragraph 28 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

29. MPLCo is without knowledge or information sufficient to form a belief as to the extent and nature of any impact and fluctuation on the pH of waters of the State and, therefore, denies the allegations contained in Paragraph 29. To the extent that Paragraph 29 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

30. MPLCo denies the allegations contained in Paragraph 30. To the extent that Paragraph 30 contains allegations that contain conclusions of law, no response is required, and MPLCo therefore denies the same.

31. MPLCo denies the allegations contained in Paragraph 31.

32. MPLCo denies the allegations contained in Paragraph 32.

33. MPLCo denies the allegations contained in Paragraph 33.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Civil Penalties for Violations of CWA Section 311(b) – Oil Discharge 33 U.S.C. § 1321(b)

34. MPLCo incorporates its responses to Paragraphs 1 through 17 herein by reference.

35. MPLCo avers that the allegations contained in Paragraph 35 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

36. MPLCo avers that the allegations contained in Paragraph 36 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

37. MPLCo avers that the allegations contained in Paragraph 37 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

38. MPLCo avers that the allegations contained in Paragraph 38 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

39. MPLCo admits the allegations contained in Paragraph 39.

40. MPLCo admits that EMPCo is the “operator” of the Pegasus Pipeline within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(6); that the Pegasus Pipeline is an “onshore facility” within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(10); that the substance that discharged from the Pegasus Pipeline beginning on March 29, 2013, in Mayflower, Arkansas, was “oil” within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(1); and that oil was “discharged,” within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(2), from the Pegasus Pipeline on March 29 and 30, 2013, in Mayflower, Arkansas. MPLCo denies the remaining allegations contained in Paragraph 40.

41. MPLCo admits that it is the “owner” of the Pegasus Pipeline within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(6); that the Pegasus Pipeline is an “onshore facility” within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(10); that the substance that discharged from the Pegasus Pipeline beginning on March 29, 2013, in Mayflower, Arkansas, was “oil” within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(1); and that oil “discharged,” within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(2), from the Pegasus Pipeline on March 29 and 30, 2013, in Mayflower, Arkansas. MPLCo denies the remaining allegations contained in Paragraph 41.

42. MPLCo admits the allegations contained in Paragraph 42.

43. MPLCo admits that oil “discharged,” within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(2), from the Pegasus Pipeline on March 29 and 30, 2013, in Mayflower, Arkansas. MPLCo denies the remaining allegations contained in Paragraph 43.

44. MPLCo admits that the substance that discharged from the Pegasus Pipeline on March 29 and 30, 2013, in Mayflower, Arkansas, was “oil” within the meaning of the Clean Water Act, 33 U.S.C. § 1321(a)(1). MPLCo denies the remaining allegations contained in Paragraph 44.

45. MPLCo denies the allegations contained in Paragraph 45.

46. MPLCo admits that the discharge of oil on March 29, 2013, in Mayflower, Arkansas, from the Pegasus Pipeline was in a quantity “as may be harmful,” as that term is defined in 40 C.F.R. § 110.3. MPLCo denies the remaining allegations contained in Paragraph 46.

47. MPLCo avers that the allegations contained in Paragraph 47 constitute conclusions of law to which no response is required, and therefore denies the same.

48. MPLCo avers that the allegations contained in Paragraph 48 purport to describe statutory and regulatory provisions that speak for themselves, and to the extent the allegations conflict with such statute and regulation, those allegations are denied. MPLCo denies that it is liable for civil penalties under CWA section 311(b)(7)(A) or CWA section 311(b)(7)(D).

SECOND CAUSE OF ACTION

Injunctive Relief under CWA Section 309(b) 33 U.S.C. § 1319(b)

49. MPLCo incorporates its responses to Paragraphs 1 through 17 and 34 through 48 herein by reference.

50. MPLCo avers that the allegations contained in Paragraph 50 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied. MPLCo avers that the allegations contained in Paragraph 50 also constitute conclusions of law to which no response is required, and therefore denies the same.

51. MPLCo avers that the allegations contained in Paragraph 51 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

52. MPLCo denies that it is liable for injunctive relief under CWA section 309(b).

THIRD CAUSE OF ACTION

Violations of the Arkansas Hazardous Waste Management Act of 1979

53. MPLCo incorporates its responses to Paragraphs 1 through 52 herein by reference.

54. MPLCo avers that the allegations contained in Paragraph 54 purport to describe statutory and regulatory provisions that speak for themselves, and to the extent the allegations conflict with such statute and regulation, those allegations are denied.

55. MPLCo avers that the allegations contained in Paragraph 55 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute and regulation, those allegations are denied.

56. MPLCo avers that the allegations contained in Paragraph 56 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

57. MPLCo avers that the allegations contained in Paragraph 57 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

58. MPLCo avers that the allegations contained in Paragraph 58 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

59. MPLCo avers that the allegations contained in Paragraph 59 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

60. MPLCo avers that the allegations contained in Paragraph 60 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

61. MPLCo avers that the allegations contained in Paragraph 61 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

62. MPLCo avers that the allegations contained in Paragraph 62 constitute conclusions of law to which no response is required, and therefore denies the same.

63. MPLCo admits that it is a “person” as that term is defined in Ark. Code Ann. §8-7-203 (10) but denies the remaining allegations contained in Paragraph 63.

64. MPLCo avers that the allegations contained in Paragraph 64 purport to describe statutory and regulatory provisions that speak for themselves, and to the extent the allegations conflict with such statute and regulation, those allegations are denied. MPLCo denies that it is liable for civil penalties under Ark. Code Ann. § 8-7-204(b)(4).

FOURTH CAUSE OF ACTION

Violations of the Arkansas Water and Air Pollution Control Act – Water

65. MPLCo incorporates its responses to Paragraphs 1 through 64 herein by reference.

66. MPLCo avers that the allegations contained in Paragraph 66 purport to describe statutory and regulatory provisions that speak for themselves, and to the extent the allegations conflict with such statute and regulation, those allegations are denied.

67. MPLCo avers that the allegations contained in Paragraph 67 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

68. MPLCo avers that the allegations contained in Paragraph 68 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

69. MPLCo avers that the allegations contained in Paragraph 69 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

70. MPLCo avers that the allegations contained in Paragraph 70 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

71. MPLCo avers that the allegations contained in Paragraph 71 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

72. MPLCo avers that the allegations contained in Paragraph 72 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

73. MPLCo avers that the allegations contained in Paragraph 73 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

74. MPLCo avers that the allegations contained in Paragraph 74 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

75 MPLCo avers that the allegations contained in Paragraph 75 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

76. MPLCo avers that the allegations contained in Paragraph 76 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

77. MPLCo avers that the allegations contained in Paragraph 77 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

78. MPLCo avers that the allegations contained in Paragraph 78 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

79. MPLCo denies the allegations contained in Paragraph 79.

80. MPLCo avers that the allegations contained in Paragraph 80 purport to describe statutory and regulatory provisions that speak for themselves, and to the extent the allegations conflict with such statute and regulation, those allegations are denied. MPLCo denies that it is liable for civil penalties under Ark. Code Ann. § 8-4-103(b)(4).

FIFTH CAUSE OF ACTION

Violations of the Arkansas Water and Air Pollution Control Act – Air

81. MPLCo incorporates its responses to Paragraphs 1 through 80 herein by reference.

82. MPLCo avers that the allegations contained in Paragraph 82 purport to describe statutory and regulatory provisions that speak for themselves, and to the extent the allegations conflict with such statute and regulation, those allegations are denied.

83. MPLCo avers that the allegations contained in Paragraph 83 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

84. MPLCo avers that the allegations contained in Paragraph 84 purport to describe regulatory provisions that speak for themselves, and to the extent the allegations conflict with such regulation, those allegations are denied.

85. MPLCo avers that the allegations contained in Paragraph 85 purport to describe statutory and regulatory provisions that speak for themselves, and to the extent the allegations conflict with such statute and regulation, those allegations are denied.

86. MPLCo avers that the allegations contained in Paragraph 86 purport to describe statutory provisions that speak for themselves, and to the extent the allegations conflict with such statute, those allegations are denied.

87. MPLCo admits that it is a "person" as that term is defined in Ark. Code Ann. §8-4-303(13) but denies the remaining allegations contained in Paragraph 87.

88. MPLCo avers that the allegations contained in Paragraph 88 purport to describe statutory and regulatory provisions that speak for themselves, and to

the extent the allegations conflict with such statute and regulation, those allegations are denied. MPLCo denies that it is liable for civil penalties under Ark. Code Ann. § 8-4-103(b)(4).

SIXTH CAUSE OF ACTION

Declaratory Judgment under OPA and Declaratory Judgment Act 33 U.S.C. § 2717(f)(2), 28 U.S.C. § 2201(a)

Pursuant to this Court's Order of September 9, 2013, Count 6 of Plaintiffs' Complaint has been dismissed without prejudice. (Doc. 18.) Therefore, MPLCo does not respond to the allegations in Paragraphs 89 through 98.

REQUEST FOR RELIEF

MPLCo denies that Plaintiffs are entitled to the relief requested in the Complaint.

MPLCo denies all material allegations contained in the Plaintiffs' Complaint except specifically admitted in this Answer.

FIRST AFFIRMATIVE DEFENSE

The Court does not have subject matter jurisdiction over some or all of the claims alleged in the Complaint.

SECOND AFFIRMATIVE DEFENSE

The oil discharges alleged in the Complaint did not enter the navigable waters of the United States.

THIRD AFFIRMATIVE DEFENSE

Some or all of the Plaintiffs' claims fail to state a claim upon which relief can be granted.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part because the Complaint fails to describe with adequate particularity facts necessary to support their claims, including the dates, locations, and number of violations for which they are suing.

FIFTH AFFIRMATIVE DEFENSE

No act or omission of MPLCo constitutes gross negligence or willful misconduct, and Plaintiffs, therefore, fail to state a claim for enhanced penalties under 33 U.S.C. § 1321(b)(7)(D).

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims, including specifically those for enhanced penalties under the CWA, are barred in whole or in part by MPLCo's compliance with applicable federal and state laws and regulations, including those governing pipeline operation and safety.

SEVENTH AFFIRMATIVE DEFENSE

Some or all of the penalties sought by Plaintiffs may be offset by other penalties sought herein or by penalties imposed by other state or federal agencies.

EIGHTH AFFIRMATIVE DEFENSE

Some or all of Plaintiffs' claims are barred by the Due Process Clauses of the United States Constitution (Amendment V and Amendment XIV, § 1) and by the Due Process Clause of the Arkansas Constitution (Article 2, § 8) because liability and/or the extent of civil penalties are based on statutory or regulatory provisions

that are so vague they do not provide MPLCo with adequate notice of the type of conduct alleged to be unlawful.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' First and Second Claims for Relief are barred, in whole or in part, because Plaintiffs' application of the CWA to discharges of oil from the Pegasus Pipeline under the circumstances alleged by Plaintiffs effects an unconstitutional exercise of Congressional power under the Commerce Clause of the United States Constitution (Article I, § 8, cl. 3).

TENTH AFFIRMATIVE DEFENSE

Plaintiffs are barred from seeking enhanced penalties under the CWA based on the specific content of the oil that was released from the Pegasus Pipeline because MPLCo serves as a common carrier pursuant to regulatory authority of the Federal Energy Regulatory Commission.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, to the extent that they seek to recover civil penalties for violations related to any approved clean-up activities subject to 33 U.S.C. § 1321(a)(2)(D) or any other statutory or regulatory authority.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, to the extent that the violations alleged by Plaintiffs were the result of an accidental discharge that was caused by the actions or inaction of one or more third parties and that was promptly remedied by defendants.

THIRTEENTH AFFIRMATIVE DEFENSE

MPLCo exercised every reasonable precaution to prevent or mitigate the discharge or release in a timely manner.

FOURTEENTH AFFIRMATIVE DEFENSE

MPLCo complied with all applicable state and federal laws and regulations requiring that the discharge or release be reported to a government agency.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' third claim is barred and preempted to the extent that Plaintiffs seek to assess civil penalties for response actions undertaken by MPLCo that were consistent with the national contingency plan. *See* 33 U.S.C. § 1321(c)(3).

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' third claim is barred because all recovered product and associated materials were transported, stored, and disposed of in accordance with approval or consent of EPA and/or ADEQ.

SEVENTEENTH AFFIRMATIVE DEFENSE

MPLCo adopts all defenses available under any and all applicable state or federal regulations.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiffs are limited to a maximum of \$25,000 per day in civil penalties with respect to their third claim.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiffs are limited to a maximum of \$10,000 per day in civil penalties with respect to their fourth claim.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiffs' third and fourth claims are barred to the extent Plaintiffs seek to recover multiple civil penalties for the same alleged act or alleged failure to act.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiffs' third and fourth claims are barred to the extent Plaintiffs seek to recover civil penalties for the alleged violation of both a general and a specific regulatory standard.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Plaintiffs' third and fourth claims are barred to the extent any civil penalties sought are not determined based on the factors listed in Arkansas Department of Pollution Control and Ecology Regulation No. 7, § 9.

RESERVATION OF RIGHTS

MPLCo will rely on any and all further defenses that become available or appear during discovery proceedings in this action and specifically reserves the right to amend this Answer for purposes of asserting additional defenses.

PRAYER FOR RELIEF

WHEREFORE, Mobil Pipe Line Company requests an Order entering judgment in its favor, awarding costs and disbursements, and granting such other and further relief as the Court may deem just and proper.

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

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