

## **EXHIBIT A-3**

Law Offices of  
**MILLER, AXLINE & SAWYER**  
A Professional Corporation

DUANE C. MILLER  
MICHAEL AXLINE  
A. CURTIS SAWYER, JR.

TRACEY L. O'REILLY  
DANIEL BOONE  
JUSTIN MASSEY  
BRYAN BARNHART  
DAVE E. BLUM  
DONALD MOONEY, of Counsel

September 4, 2013

**VIA EMAIL & LNF&S**

Charles C. Correll, Jr., Esq.  
King & Spalding LLP  
101 Second Street, Ste. 2300  
San Francisco, CA 94105

Re: *New Jersey Dept. of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*  
No. 1:08-cv-00312-SAS (MDL 1358)  
Re HP Delta, Skyline, Getty West Windsor and Baker's Waldwick

Dear Charles:

I write pursuant to Judge Scheindlin's direction at the last status conference to initiate a meet and confer process with respect to the West Windsor Getty, HP Delta, and Skyline Service Center trial sites. Despite the fact that your pre-motion letter did not seek leave to file a summary judgment motion based on causation at these sites, during the August 19, 2013, pre-motion hearing you asserted that plaintiffs do not have evidence linking Chevron to these sites. This is not the case.

Despite the fact that Chevron USA has denied being in the New Jersey gasoline market after 1984, Chevron USA's discovery responses with respect to refining and marketing activities admit that Chevron owned and operated a refinery in Philadelphia that manufactured MTBE gasoline from 1992 to 1994 for sales into New Jersey. In fact, Chevron's CMO 45 responses state that in 1992 Chevron sold 1,953,257 barrels of MTBE gasoline into New Jersey, in 1993 Chevron sold 5,955,947 barrels of MTBE gasoline into New Jersey, and in 1994 Chevron sold 2,546,976 barrels of MTBE gasoline into New Jersey. Chevron USA's CMO 45 Response, at 2.

Chevron's responses to CMO 45, as confirmed in Chevron's responses to Plaintiffs' First Set of Interrogatories, Interrogatory No. 1, provided a list of customers to whom Chevron sold

Charles A. Correll, Jr., Esq.  
September 4, 2013  
Page 2

---

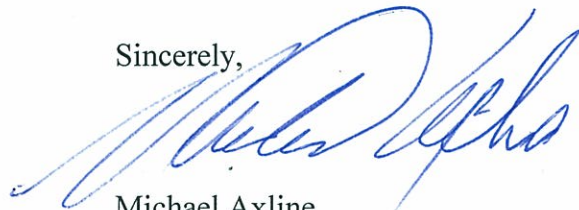
MTBE gasoline. See CHEVMDL1358-NJDEP-C0000000001 - 0000000507. Since Chevron only manufactured MTBE gasoline from 1992 through 1994, these sales would have occurred during this period, and they show sales to customers at a number of New York Harbor terminals, including the Bayway, Linden, Carteret, Trembly Point, Sewaren, Bayonne and Perth Amboy terminals. In fact, Chevron owned the Perth Amboy terminal during this time.

One of the customers who purchased MTBE gasoline from Chevron during this time period was Star Enterprises, who purchased from Chevron at the Carteret, Perth Amboy, Linden and Bayway terminals. CHEVMDL1358-NJDEP-C0000000115. Star Enterprises had a supply contract with the Skyline Station during this time period. SKYLINE 001395-1408; SKYLINE 003560.

As you know, MTBE was detected at the Skyline site during the first tests for MTBE, in 1998. The station operator testified that spills occurred on a regular basis during fuel deliveries at this time, and Marcel Moreau reported that the releases occurred from, among other sources, the dispenser island at this site. In short, there is substantial evidence that Chevron MTBE gasoline was present at the Skyline site during a time when releases of MTBE gasoline occurred at the site.

With respect to the HP Delta and Getty West Windsor sites, the State has decided not to pursue its claims against Chevron USA at these sites.

Sincerely,



Michael Axline  
Counsel for Plaintiffs