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June 13, 2016

VIA EMAIL AND REGULAR MAIL

Ms. Sharon Kivowitz, Esq.
United States Environmental Protection Agency
290 Broadway (MC – XXXX)
New York, NY 10007-1866

RE: PRP Group Response to Letter of May 27 Regarding Settlement Agreement and Order on Consent for Remedial Design, New Cassel/Hicksville Groundwater Contamination Site, OU1

Dear Ms. Kivowitz,

I write as Convening Neutral on behalf of the party representatives noted in the attached list of addresses in response to your letter of May 27, 2016 ("letter"). The representatives, on behalf of parties associated with the Eastern, Central, and Western plumes of the New Cassel/Hicksville Groundwater Contamination Site ("the Site"), are willing to continue negotiations with EPA toward entry of a Settlement Agreement and Order on Consent for Remedial Design ("Agreement") regarding OU1 of the Site.

The representatives are willing to enter into further negotiations toward entry of an Agreement within the parameters outlined in your letter and desire to expeditiously proceed with settlement deliberations. As noted in your letter, there are several provisions that some or all of the PRPs have raised that require further discussion in order to obtain a universal agreement. These include, but are not limited to:

- Revision of the submission timeframes include in Table 1 of the SOW, to address practical considerations including the consequences of delays in approvals by local authorities;
- Revision of the PDIWP to allow for evaluation of direct discharge of plume effluent to a publically owned treatment work;
- Modification of the amount and nature of stipulated penalties, to address practical considerations associated with the separation of certain of the site work into individual plume related activities;
- Modification of the amount and type of required financial assurance; and

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- Revision of the Agreement to provide a meaningful opportunity, following completion of PDI Directives 1 and 2, for appropriate consideration by EPA and deliberation regarding submitted recommendations for the structuring and implementation, and, if necessary, modification, of remaining PDI Directives.

I hope that this communication provides the requested confirmation of interest on behalf of the representatives to continue negotiations regarding the Agreement. Please advise regarding next steps in the continuation of settlement discussions.

Sincerely,

David C. Batson
Convening Neutral

cc: See Attached List of Addresses

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