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FILE NO.: 11688.0006

February 13, 2015

Sent by Electronic Mail

Jennifer L. LaPoma
Remedial Project Manager
Western New York Remediation Section
United States Environmental Protection Agency
290 Broadway, 17th Floor
New York, NY 10007-1866

Sharon E. Kivowitz, Esq.
Assistant Regional Counsel
Office of the Regional Counsel, Region 2
United States Environmental Protection Agency
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: New Cassel/Hicksville Ground Water Contamination
Superfund Site Proposed Plan

Dear Ms. LaPoma and Ms. Kivowitz:

Arkwin Industries Inc. (Arkwin) is willing , without admission of liability, to continue negotiating in good faith the voluntary Settlement Agreement and Order on Consent and the Scope(s) of Work for the for the New Cassel Hicksville Ground Water Contamination Superfund Site. This continued negotiation includes the Operating Unit-1 (OU-1) Pre - Design Investigation (PDI) and Remedial Design (RD) and the OU-3 Remedial Investigation/ Feasibility Study (RI/FS) (as amended), with the understanding that Arkwin cannot do so without meaningful participation from all the identified plume groups, including the upgradient parties.

Despite Arkwin's best efforts to date, full participation has not been achieved. In the absence of such full participation, Arkwin remains willing to discuss with the EPA and fellow Respondents an appropriate Scope of Work.

Very truly yours,

Suzanne M. Avena

SMA:gpc

cc: Kevin Maldonado, Esq.
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