To: Kevin Maldonado[kevinmaldonado64@yahoo.com]; Charlotte Biblow[cbiblow@farrellfritz.com]; d Roggenkamp[eroggenkamp@sprlaw.com]; Dan Chorost[dchorost@sprlaw.com]; David Feldman[david.m.feldman@verizon.com]; John Peltonen[jpeltonen@sheehan.com]; John Privitera[PRIVITERA@mltw.com]; Lisa Rushton[lisarushton@paulhastings.com]; Michael Rowe[michael.rowe@usdoj.gov]; Miriam Villani[mvillani@swcblaw.com]; Pam Cox[pam.m.cox@verizon.com]; Peter Aufrichtig[peter@mccarthyfingar.com]; Phillip Landrigan[plandrigan@mccarthyfingar.com]; Rachel Balaban[rachel.balaban@usdoj.gov]; Robert Lucic[RLUCIC@sheehan.com]; Sheila Woolson[swoolson@ebglaw.com]; Suzanne Avena[savena@garfunkelwild.com]; Ted Firetog[tfiretog@eniinternet.com]; Thomas Smith[tsmith@bsk.com]; Tiffany Heineman[theineman@lcrlaw.com]; Todd Hooker[thooker@lcrlaw.com]; William Ife[wbife@ifelaw.com]
Cc: LaPoma, Jennifer[LaPoma.Jennifer@epa.gov]; Mannino, Pietro[Mannino.Pietro@epa.gov]; Doyle, James[Doyle.James@epa.gov]
From: Kivowitz, Sharon
Sent: Thur 12/11/2014 8:53:22 PM
Subject: RE: NCHGW Settlement Agreement and SOWs

Hi Kevin,
Thank you for your response. While we appreciate your client's interest in pursuing the clean-up of the eastern plume, there are common elements that must be completed by either all or different subsets of the PRPs. The redraft is consistent with our discussions at our last meeting and as we said then, we are not considering separate settlements with different entities. Please provide me with your comments on the Settlement Agreement as we proposed it. Thank you.
Sharon

From: Kevin Maldonado [mailto:kevinmaldonado64@yahoo.com]
Sent: Tuesday, December 09, 2014 8:48 PM
To: Kivowitz, Sharon; Charlotte Biblow; d Roggenkamp; Dan Chorost; David Feldman; John Peltonen; John Privitera; Lisa Rushton; Michael Rowe; Miriam Villani; Pam Cox; Peter Aufrichtig; Phillip Landrigan; Rachel Balaban; Robert Lucic; Sheila Woolson; Suzanne Avena; Ted Firetog; Thomas Smith; Tiffany Heineman; Todd Hooker; William Ife
Cc: LaPoma, Jennifer; Mannino, Pietro; Doyle, James
Subject: Re: NCHGW Settlement Agreement and SOWs

Sharon:

Thank you for the quick turn-around time on the draft Order on Consent. Subject to negotiation of minor issues, the Frost Street Parties are willing and able to implement the Eastern Plume work. It is our assumption that the other Eastern Plume defendants will join in on the work. In the event that they are not willing to join in the Frost Street Parties' commitment to preform the remedy of the Eastern Plume, the Frost Street Parties are nonetheless committed to going forward and pursuing the other responsible PRPs for contribution. Obviously, the current agreement contemplates Central and Western plume defendants also participate in their remedies. If these defendants are not willing to come forward and address their plumes, it is respectfully requested that separate consent orders be drafted for each plume. We look forward to implementing the Eastern Plume work and would like to commit before year end.

Thanks, Kevin

From: "Kivowitz, Sharon" <Kivowitz.Sharon@epa.gov>
To: Charlotte Biblow <cbiblow@farrellfritz.com>; d Roggenkamp <eroggenkamp@sprlaw.com>; Dan Chorost <dchorost@sprlaw.com>; David Feldman <david.m.feldman@verizon.com>; John Peltonen <jpeltonen@sheehan.com>; John Privitera <PRIVITERA@mltw.com>; Kevin Maldonado <kevinmaldonado64@yahoo.com>; Lisa Rushton <lisarushton@paulhastings.com>; Michael Rowe <michael.rowe@usdoj.gov>; Miriam Villani <mvillani@swcblaw.com>; Pam Cox <pam.m.cox@verizon.com>; Peter Aufrichtig <peter@mccarthyfingar.com>; Phillip Landrigan <plandrigan@mccarthyfingar.com>; Rachel Balaban <rachel.balaban@usdoj.gov>; Robert Lucic <RLUCIC@sheehan.com>; Sheila Woolson <swoolson@ebglaw.com>; Suzanne Avena <savena@garfunkelwild.com>; Ted Firetog <tfiretog@eniinternet.com>; Thomas Smith <tsmith@bsk.com>; Tiffany Heineman <theineman@lcrlaw.com>; Todd Hooker <thooker@lcrlaw.com>; William Ife <wbife@ifelaw.com>
Cc: "LaPoma, Jennifer" <LaPoma.Jennifer@epa.gov>; "Mannino, Pietro" <Mannino.Pietro@epa.gov>; "Doyle, James" <Doyle.James@epa.gov>
Sent: Tuesday, December 9, 2014 6:49 PM
Subject: NCHGW Settlement Agreement and SOWs

Attached please find the RD-RI/FS Settlement Agreement and Order on Consent for the New Cassel/Hicksville Groundwater Contamination Site which has been revised based on our discussions at our November 12th meeting. Also attached are the SOWs which have been revised based on Jennifer LaPoma's and Pete Mannino's discussion with IMC's technical representatives. Note that I have attached both clean and redlined versions of the documents. (Due to size constraints, I was unable to attach all documents to this email. See subsequent emails as well.)

While EPA had hoped to conclude negotiations of this matter by the end of the year, given the complexities and the coming holidays we are extending that deadline. Please provide us with your comments on these documents by no later than Monday, January 19, 2015. As I requested previously, we would prefer one set of comments from all of the Respondents.

We would like to arrange a meeting for any day of the week of January 26th , except Friday, January 30th. Please respond as soon as possible before Christmas on your availability. I would ask that one of you poll your group and get back to me with a preferred day, time, and the number of participants.

I will be out of the country with no access to my EPA email or voicemail from December 30th to January 19th. If you have questions on the Settlement Agreement during my absence, please call Jim Doyle at 212-637-3165. All technical questions should be addressed to Jennifer LaPoma at 212-637-4328. I am available through December 29th.

I wish you all a happy holiday season and peace in the new year.

Sharon

Sharon E. Kivowitz
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007
212-637-3183
kivowitz.sharon@epa.gov