April 10, 2017

VIA EMAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Via Email Wilson.ericj@epa.gov
Eric J. Wilson, Deputy Director for Enforcement and Homeland Security
Emergency and Remedial Response Division
US Environmental Protection Agency, Region II
290 Broadway
New York, NY 10007-1866

Via Email Fajardo.juan@epa.gov
Juan Fajardo, Esq.
US Environmental Protection Agency, Region II
290 Broadway
New York, NY 10007-1866

Via Email Flanagan.Sarah@epa.gov
Sarah P. Flanagan, Esq.
Office of Regional Counsel
NJ Superfund Branch
US Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007

Re: EPA March 30, 2017 Cash-Out Settlement Offers re Diamond Alkali Superfund Site, Lower 8.3 miles of the Lower Passaic River

Dear Messrs. Wilson and Fajardo and Ms. Flanagan:

On March 30, 2017, EPA Region 2 issued an offer of cash-out settlements at the Diamond Alkali Superfund Site Lower 8.3 Mile of the Lower Passaic River (OU2) to twenty (20) individual PRPs.

The letter states that the offer is based on a number of factors, including "volume, toxicity, mobility, strength of evidence, ability to pay, litigative risks, public interest considerations, precedential value, and inequities and aggravating factors, as well as the additional factors listed in section 122(f)(4)." Additionally, Region 2 states that the designated parties were not associated with disposal or release of any of the "hazardous substances identified as contaminants of concern for OU2, as identified in the OU2 ROD."

We would like to understand more about the administrative record on which the process was based and the analysis undertaken to determine who was eligible for the cash out and the amount of the cash out. The March 30 letter does not provide any

information relating to the above-noted factors identified by the Region for making these settlement offers. Some of the companies listed below sincerely believe that they are entitled to be included with the group of 20 PRP's who received the EPA's cash-out settlement letter referenced above. Others listed below believe that they may also be entitled to a cash-out settlement at this time for other reasons.

Given the tight timeframe outlined in the letter, please explain the process employed and provide the criteria and facts considered by the Region in determining who was eligible for the cash out settlement and the amount of the cash out settlement, as soon as possible.

Very truly yours,

The Undersigned Parties

s/ John F. Doherty, Esq. On behalf of PSEG	s/ David Schneider, Esq. On behalf of BASF Corporation	s/ Timothy I. Duffy, Esq. On behalf of STWB
s/ John Klock, Esq. On behalf of Tiffany & Co.	s/ Louis M. DeStefano, Esq. On behalf of Chevron	s/ Andrea A. Lipuma, Esq. On behalf of EPEC Polymers
s/ Peter Simshauser, Esq. On behalf of 21st Century Fox America, Inc.	s/ Jay Stewart, Esq. On behalf of Alcatel-Lucent	s/ Joshua Frank, Esq. On behalf of Hexcel Corporation
s/ Herbert B. Bennett, Esq. On behalf of The Sherwin Williams Company	s/ Andrew Kolesar, Esq. On behalf of Black & Decker, Inc.	s/ Warren Faure, Esq. On behalf of Sun Chemical Corporation
s/ Jaimie Schiff, Esq. On behalf of Textron, Inc.	s/ Bonni Kaufman, Esq. On behalf of Quality Carriers, Inc.	s/ Jane C. Luxton, Esq. On behalf of Revere Smelting and Refining Corporation
s/ Jeremy Karpatkin, Esq. On behalf of Honeywell International Inc.	s/ Joshua Frank, Esq. On behalf of Conopco, Inc.	s/ Randy Schillinger, Esq. On behalf of Elan Chemical Company
s/ Joshua Frank, Esq. On behalf of DII Industries, LLC	s/ Robert Greenslade, Esq. On behalf of Vulcan Materials Company	s/ Marylin Jenkins, Esq. On behalf of McKesson Corporation and Safety Kleen Company
s/ James O'Toole, Esq. On behalf of Essex County Improvement Authority	s/ Jay Stewart, Esq. On behalf of Purdue Pharma Technologies, Inc.	s/ Brian C. Freeman, Esq. On behalf of Otis Elevator Co. and Goodrich Corp.
s/ John Klock, Esq. On behalf of Hoffmann-LaRoche Inc.		