To: Larry Silver[lsilver@lssh-law.com]
Cc: 'Frank_Parigi@oxy.com'[Frank_Parigi@oxy.com]
From: Fajardo, Juan
Sent: Fri 8/19/2016 8:31:10 PM
Subject: RE: Lower Passaic ASAOC for Remedial Design

Thanks.

By the way, when do you expect to meet with Occidental Petroleum?

From: Larry Silver [mailto:lsilver@lssh-law.com]
Sent: Friday, August 19, 2016 3:42 PM
To: Fajardo, Juan <Fajardo.Juan@epa.gov>
Cc: 'Frank_Parigi@oxy.com' <Frank_Parigi@oxy.com>
Subject: Lower Passaic ASAOC for Remedial Design

Settlement Confidential

Negotiation and Offer to Compromise pursuant to FRE 408

Juan,

As you know, I am headed out for vacation and will be away next week, returning to the office on August 29.

Following up on our meeting this past Monday at Region 2 in New York, I went through the redline of the ASAOC I provided to you on July 15, 2016, and identified language in the document (a good deal of which was the subject of our discussions Monday) which we pulled from prior Orders involving the Passaic and included in our redlined ASAOC.

On the attached document (which is the identical base document I sent to you on July 15) I show the language that we added from prior Orders and identify in the marginal comments the prior

Order or Orders which were the source of the language. There are no changes to the July 15 document other than the references in comments to the prior Orders.

This additional information about the prior Orders is provided for your consideration. While I understand that it does not automatically mean that what was done before must be done again, we hope that you will seriously consider giving OCC beneficial language included in prior Orders, in the spirit of a collaborative effort to move the Remedial Design forward and reaching an agreement to do so.

We look forward to your responsive redline to our July 15 submission. We understand along with you that there are still several open issues to address, but given my vacation, I am suggesting that the best course may be for us to review EPA's next draft and then for OCC to respond during the week of August 29.

As before, the comments and edits to the Order we provided in the July 15 redline are subject to Oxy management review and approval and Oxy is reserving all rights in that regard.

Best regards,

Larry

Larry Silver
lsilver@lssh-law.com

Direct: 215.239.9023

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