To: Larry Silver[lsilver@lssh-law.com]
From: Fajardo, Juan
Sent: Mon 7/18/2016 12:20:58 PM
Subject: RE: Diamond Alkali -- Lower 8.3 Miles RD Negotiations - Confidential

Sure.

From: Larry Silver [mailto:lsilver@lssh-law.com]
Sent: Friday, July 15, 2016 5:25 PM
To: Fajardo, Juan <Fajardo.Juan@epa.gov>
Subject: Re: Diamond Alkali -- Lower 8.3 Miles RD Negotiations - Confidential

Thanks Juan. I may be in NY before a formal meeting is scheduled. If so I will reach out to see if you have time for an informal hello.

Sent from my iPhone

On Jul 15, 2016, at 5:13 PM, Fajardo, Juan <Fajardo.Juan@epa.gov> wrote:

Appreciate the effort to get this done and to us. We look forward to the comments to the draft SOW.

Juan M. Fajardo

Assistant Regional Counsel

212 637-3132

From: Larry Silver [mailto:lsilver@lssh-law.com]
Sent: Friday, July 15, 2016 4:18 PM
To: Fajardo, Juan <Fajardo.Juan@epa.gov>
Cc: 'Frank_Parigi@oxy.com' <Frank_Parigi@oxy.com>; Mike_Anderson@oxy.com
Subject: Diamond Alkali -- Lower 8.3 Miles RD Negotiations - Confidential

Settlement Confidential

Negotiation and Offer to Compromise pursuant to FRE 408

Juan,

Please see attached Occidental Chemical Corporation (Oxy)'s comments and proposed edits to the draft provided by you on April 26, 2016 of the "Administrative Settlement Agreement and Order on Consent for Remedial Design" (Docket No. 02-2016-2021) (Order) for OU-2 of the Diamond Alkali Superfund Site.

Please be advised that we are providing Oxy's initial comments and edits to the Order subject to Oxy management review and approval and Oxy is reserving all rights in that regard.

Please note that there may be subjects related to this document which we would like to discuss that are not yet addressed in the edits provided, including (i) the intended disposition and use (in a Special Site Account or otherwise) of any proceeds from cash-out settlements referenced in Nicoletta Di Forte's letter of March 31, 2016 to Site PRPs, and (ii) as noted in your letter to Benjamin Lippard dated June 27, 2016, the assistance EPA will provide the Settling Party in accomplishing the Congressional deauthorization of the navigation channel above RM 1.7.

We look forward to further discussions and meetings with you on the Order and related Statement of Work.

Regards,

Larry

Larry Silver
lsilver@lssh-law.com

Direct: 215.239.9023

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