To: Brian Mikucki - Tierra Solutions (BMikucki@tierrasolutionsinc.com)[BMikucki@tierrasolutionsinc.com]
Cc: Juan Somoano (juan_somoano@oxy.com)[juan_somoano@oxy.com]
From: Yeh, Alice
Sent: Tue 2/28/2017 9:22:09 PM
Subject: FW: Passaic - Agreement Regarding Preservation of Samples
ENV_ENFORCEMENT-#2585178-v1-passaic_-_sample_preservation_agreement_to_parties_4_22_16.DOC

As we discussed earlier today, this is the last communication that the Department of Justice (DOJ) had with Tierra/Occidental and CPG about the agreement governing disposal of samples.

In my next e-mail, I will send you what the CPG did the last time they disposed of some samples.

From: Donohue, Brian (ENRD) [mailto:Brian.Donohue@usdoj.gov]
Sent: Monday, May 02, 2016 3:22 PM
To: william.hyatt@klgates.com; Erickson, Dave (SHB) <DERICKSON@shb.com>; blippard@velaw.com
Cc: Laura Rowley <Laura.Rowley@usdoj.gov>; Barash, Mark <mark.barash@sol.doi.gov>; Kate Barfield - NOAA Federal <kate.barfield@noaa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Ellen.B.Simon@nan02.usace.army.mil
Subject: Passaic - Agreement Regarding Preservation of Samples

Gentlemen: Bill may recall, and Ben may be aware of through conversations with Carol Dinkins, that a few years ago we tried to enter into an agreement regarding preservation of samples. That effort did not gain much steam. However, because: the federal agencies worked with Dave recently on the same issue; we all realize the expense of maintaining some samples which arguably may be of limited value due to the expiration of holding times; and the issue appears to have been raised among the technical folks, we thought it appropriate to try once again to reach an agreement which will permit the destruction of samples under certain limitations. Thus, I attach for your consideration a draft "Agreement Regarding Preservation of Samples," which is similar to the one Bill, Carol and I discussed (and which, I believe, includes changes both Bill and Carol suggested at the time during separate phone calls and exchanges of mark-ups back I had with them in 2013). Please let me know if you're interested in reaching an accord on this, if for no other reason than saving our clients' money. If so, we can schedule discussions to see if we can finalize an agreement acceptable to us all. Thanks.