To: Lawrence, J. Alexander[ALawrence@mofo.com]
Cc: Gordon, David L. (ENRD)[David.L.Gordon@usdoj.gov]; Zizila, Frances[Zizila.Frances@epa.gov]; Orris, Karissa[Orris.Karissa@epa.gov]
From: Frankel, Donald (ENRD)
Sent: Fri 12/9/2016 4:28:55 PM
Subject: RE: In re Maxus

Alex:

The added language is acceptable.

Don

From: Lawrence, J. Alexander [mailto:ALawrence@mofo.com]
Sent: Friday, December 09, 2016 10:11 AM
To: Frankel, Donald (ENRD) <DFrankel@ENRD.USDOJ.GOV>
Cc: Gordon, David L. (ENRD) <DGordon@ENRD.USDOJ.GOV>; Zizila, Frances <Zizila.Frances@epa.gov>; Orris, Karissa <Orris.Karissa@epa.gov>
Subject: RE: In re Maxus

Don,

Keen had one proposed addition to the language you proposed.

Nothing in this Order relieves Debtors of any obligation they have under the 1990 consent decree in United States v. Occidental Chemical Corporation, et al., No. 89-5064 (D.N.J.) including, without limitation, the obligations set forth in Section III.D of the consent decree related to transfer of the properties owned by Tierra Solutions, Inc. located at 80 and 120 Lister Avenue, Newark, New Jersey, or of any obligation under any other judicial or administrative order regarding Debtor-owned property. **For the avoidance of doubt, nothing stated herein shall impose obligations or liabilities upon Keen beyond what is provided for in the engagement letter**.

Please let us know if you have any objection to that additional language.

An yes, we completely agree that we need to discuss the ultimate disposition if the Debtors cannot sell all of the properties.

Regards,

Alex.

From: Frankel, Donald (ENRD) [mailto:Donald.Frankel@usdoj.gov]
Sent: Thursday, December 08, 2016 4:51 PM
To: Lawrence, J. Alexander
Cc: Gordon, David L. (ENRD); Zizila, Frances; Orris, Karissa
Subject: In re Maxus

- External Email -

Alex:

We request that the Debtors add the language in the enclosed document to the proposed order relating to the motion to retain a broker for the Debtors' properties located in Newark and Kearny, New Jersey, Painesville, Ohio, and Holt, Alabama. At some point, we would also like to have a discussion with the Debtors concerning the ultimate disposition of such properties if the Debtor is unable to sell any or all of the properties.

Don

Donald G. Frankel

Senior Counsel

Environmental Enforcement Section

Environment and Natural Resources Division

U.S. Department of Justice

One Gateway Center

Suite 616

Newton, MA 02458

617-450-0442

Fax: 617-450-0448

donald.frankel@usdoj.gov

==========

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.