Message

From: Rowley, Laura (ENRD) [Laura.Rowley@usdoj.gov]
Sent: 1/4/2019 2:26:35 PM
To: Andrea Lipuma [alipuma@saul.com]; Andrew Kolesar [Andrew.Kolesar@thompsonhine.com]; Andrew Sawula [asawula@schiffhardin.com]; Barbara Kelly [barbara.kelly@wilsonelser.com]; Benne Hutson [benne.hutson@enproindustries.com]; Bonni Kaufman [bonni.kaufman@hklaw.com]; Brian Freeman [bfreeman@rc.com]; Camille Otero [cotero@gibbonslaw.com]; Curtis Michael [curt.michael@hrplaw.com]; Daniel Riesel [driesel@sprlaw.com]; David Kohane [DKohane@coleschotz.com]; David Mandelbaum [mandelbaumd@gtlaw.com]; David Meezan [dmeezan@kmcllaw.com]; David Schneider [dschneider@bressler.com]; Diana Buongiorno [dbuongiorno@csglaw.com]; Duke McCall [duke.mccall@morganlewis.com]; Earl Phillips [ephillips@rc.com]; Eddie Lewis [eddie.lewis@nortonrosefulbright.com]; Eric Merrifield [eric.merrifield@ge.com]; Frances Stella [fstella@bracheichler.com]; Gary Gengel [gary.gengel@lw.com]; Gerald Borriello [geraldborriello@gmail.com]; Glenn Harris [harrisg@ballardspahr.com]; Heather Demirjian [hdemirjian@coleschotz.com]; Heidi Minuskin [hminuskin@coughlinduffy.com]; Herbert Bennett [hbennett@cullenanddykman.com]; James Montano [jmontano@mgpllp.com]; Jane Luxton [JLuxton@clarkhill.com]; Jay Stewart [jstewart@lowenstein.com]; Groy, Jeff [Jeff.Groy@CBS.com]; Jeremy Karpatkin [jeremy.karpatkin@apks.com]; John Cermak Jr. [jcermak@cermaklegal.com]; John Doherty [John.Doherty@pseg.com]; John Edgcomb [jedgcomb@edgcomb-law.com]; John Gullace [jgullace@mankogold.com]; John Holsinger [johnh@jrholsinger.com]; John Klock [jklock@gibbonslaw.com]; Joseph Fiorenzo [jfiorenzo@sillscummis.com]; Joshua Frank [joshua.frank@bakerbotts.com]; Kegan Brown [kegan.brown@lw.com]; Kenneth Mack [KMack@foxrothschild.com]; Larry Silver [lsilver@lssh-law.com]; Lee Henig-Elona [lhenig-elona@gordonrees.com]; Linda Benfield [lbenfield@foley.com]; Louis DeStefano [louis.destefano@bipc.com]; Martha Thomsen [martha.thomsen@bakerbotts.com]; Michael O'Rourke [Michael.orourke@aol.com]; Nicole Moshang [NMoshang@mankogold.com]; Norman Spindel [nspindel@lowenstein.com]; Patrick McStravick [pmcstravick@rtjglaw.com]; Paula Martin [paula.martin@total.com]; Peter Simshauser [peter.simshauser@skadden.com]; Randi Schillinger [rschillinger@saiber.com]; Rich Nave [Richard.Nave@Macdermid.com]; Ronald Bluestein [rbluestein@flammlaw.com]; rkemper@thompsoncoburn.com; Scott Hall [shall@dughihewit.com]; Stephen Rahaim [stephen.rahaim@dupont.com]; Stephen Swedlow [stephenswedlow@quinnemanuel.com]; Steve Singer [stsinger@verizon.net]; Susanne Peticolas [speticolas@gibbonslaw.com]; Thomas Prol [tprol@lcrlaw.com]; Timothy Corriston [tcorriston@connellfoley.com]; Warren Faure [warren.faure@sunchemical.com]; William Hatfield [whatfield@gibbonslaw.com]
CC: Donohue, Brian (ENRD) [Brian.Donohue@usdoj.gov]; Flanagan, Sarah [Flanagan.Sarah@epa.gov]; DeLuca, Kathryn [deluca.kathryn@epa.gov]
Subject: Diamond Alkali Superfund Site: Tolling Agreement for Signature
Attachments: ENV_ENFORCEMENT-#2787945-v1-Diamond_Alkali_Superfund_Site_Primary_Contac....PDF; ENV_ENFORCEMENT-#2787954-v1-Diamond_Alkali_Superfund_Site_Tolling_Agreem....PDF; ENV_ENFORCEMENT-#2787821-v1-Diamond_Alkali_Superfund_Site__Signature_Pag....DOCX

Good morning:

You are receiving this email because you represent a Potentially Responsible Party for the Diamond Alkali Superfund Site (see attached list). In that capacity, I am asking that you promptly review and sign the attached tolling agreement related to the United States' claim for response costs incurred at the Diamond Alkali Superfund Site. The United States seeks your signatures on this agreement now because the allocation process is underway and Occidental Chemical Corporation is performing the Remedial Design. Thus, we believe it would be counterproductive to file a judicial action during this important period. We seek a two year tolling period to allow for the allocation and Remedial Design to continue.

Here are some specific details regarding the request to sign the attached tolling agreement:

1. We ask that you review and sign the attached tolling agreement, and return your signature page to me, **no later than January 18, 2019**. The tolling agreement will become effective February 15, but we need signatures as soon as possible.
2. A list of PRPs is attached. If you represent more than one, please complete separate signature pages for each.

3. A Word document signature page is attached to this email for your convenience. This allows you to add the information specific to your company or client electronically, but please have the authorized person sign by hand. You can scan and email the signed page to me (laura.rowley@usdoj.gov) or, if necessary, fax it to me at (202) 616-2427. Let me know beforehand if you are sending the page by fax. Please send the original signature page to one of the addresses in my signature block below.
4. We will not negotiate the language in the attached tolling agreement. The attached agreement contains the standard language used by the Department of Justice in these types of cases.

If you have any questions, please contact me at (202) 616-8763 or by email.
Thank you in advance for your cooperation. We greatly appreciate it.

-Laura Rowley

cc: Brian Donohue, DOJ
Sarah Flanagan, EPA Region 2
Kate DeLuca, EPA Region 2

Laura J. Rowley
Senior Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
(202) 616-8763 (office)
(202) 532-5896 (cell)
(202) 616-2427 (fax)
laura.rowley@usdoj.gov

Overnight deliveries:
601 D St., NW, Room 6927
Washington, DC 20004

USPS:
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611