FIFTH AMENDMENT TO THE DIAMOND ALKALI SUPERFUND SITE
SIX MONTH TOLLING AGREEMENT

This Agreement is entered into on February 12, 2021 between the United States, on behalf of the United States Environmental Protection Agency, and the undersigned Potentially Responsible Parties (hereinafter, "Cooperating Parties"). The undersigned representative of each party certifies that he or she is fully authorized to enter into the terms and conditions of this Agreement, and to execute and bind such party to this document.

The parties agree as follows:

1. That the Tolling Period established by Paragraph 1 of the Diamond Alkali Superfund Site Six Month Tolling Agreement is hereby amended to substitute "August 16, 2021" for "February 15, 2021," so that the Tolling Period shall extend without interruption from February 15, 2019 through August 16, 2021.

2. All other provisions of the Diamond Alkali Superfund Site Six Month Tolling Agreement remain unchanged and continue in full force and effect under its terms.

3. This Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement may be signed in counterparts.

The United States, on behalf of the United States Environmental Protection Agency, consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representatives.

HENRY FRIEDMAN
Assistant Section Chief
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice

By: _____
LAURA J. ROWLEY
Senior Attorney
Environmental Enforcement Section
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044

A group of Cooperating Parties, identified in Attachment A, have authorized Preti, Flaherty, Beliveau & Pachios, Chartered, LLP, Jeffrey D. Talbert, to sign this extension of the Tolling Agreement to August 16, 2021, on their behalf. The undersigned Cooperating Party consents to the terms and conditions of this Fourth Amendment to the Diamond Alkali Superfund Site Six Month Tolling agreement by its duly authorized representative on this 10th day of February, 2021.

For: The companies listed on Attachment A.

By:

Jeffrey D. Talbert
Partner at Preti, Flaherty, Beliveau & Pachios, Chartered, LLP
Counsel for the Small Parties Group
One City Center
PO Box 9546
Portland, ME, 04101-9546
207-791-3000
jtalbert@preti.com

Attachment A
(As of 2/10/2021)

1. Arkema Inc.
2. Ashland LLC
3. Atlantic Richfield Company
4. BASF Corporation (on its own behalf and on behalf of BASF Catalysts LLC)
5. Benjamin Moore & Co.
6. Berol Corporation
7. CNA Holdings, LLC and Celanese Ltd.
8. Coats & Clark Inc.
9. Conopco, Inc., d/b/a Unilever (as successor to CPC/Bestfoods, former parent of Penick Corporation)
10. DII Industries, LLC
11. E. I. du Pont de Nemours and Company
12. Emerald Kalama Chemical, LLC
13. EnPro Holdings, Inc. (successor to Coltec Industries, Inc.)
14. EPEC Polymers Inc. (El Paso Tennessee Pipeline Co.)
15. Essex Chemical Corporation
16. Franklin-Burlington Plastics, Inc.
17. Garfield Molding Co., Inc.
18. Givaudan Fragrances Corp.
19. Goodrich Corporation
20. Hexcel Corporation
21. Hoffman- La Roche Inc.
22. Honeywell International, Inc.
23. ISP Chemicals LLC
24. Kalama Specialty Chemicals, Inc.
25. Leemilts Petroleum, Inc.
26. Newell Brands Inc. (f/k/a Newell Rubbermaid Inc.)
27. Nokia of America Corporation
28. Noveon Hilton Davis, Inc.
29. Otis Elevator Company
30. Pharmacia LLC
31. Pitt-Consol Chemical Company
32. Purdue Pharma Technologies, Inc.
33. Quala Systems, Inc.
34. Quality Carriers, Inc.
35. Revere Smelting and Refining Corporation
36. Safety-Kleen Envirosystems Company/McKesson Corporation
37. Stanley Black & Decker, Inc.
38. STWB, Inc.
39. Sun Chemical Corporation
40. Textron, Inc.
41. TFCF America, Inc.
42. The Hartz Mountain Corporation

43. The Newark Group, Inc.
44. The Okonite Company, Inc.
45. The Sherwin Williams Co.
46. Tiffany and Company
47. ViacomCBS (formerly known as CBS Corporation)

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For:	Canning Gumm LLC
Signature:	Heather L. Demirjian
Printed Name:	Heather L. Demirjian
Title:	Counsel for Canning Gumm LLC
Address:	Cole Schotz P.C. 25 Main Street Hackensack, New Jersey 07601
Phone Number:	(201) 525-6314
Email:	hdemirjian@coleschotz.com

DocuSign Envelope ID: 1CCB625C-E923-4E75-AA3F-3A5A0082267C

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For:

Chevron Environmental Management Company, for itself and on behalf of Texaco Inc. and TRMI-H LLC

Signature: DocuSigned by:
Harpreet K. Tiwana
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Printed Name: Harpreet K. Tiwana

Title: Assistant Secretary

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: COOPER INDUSTRIES, LLC

By: _____
Signature

Sonja A. Inglin
Printed Name

Attorney and Authorized Signatory
Title

c/o Cermak & Inglin, LLP

12121 Wilshire Blvd, Suite 322

Los Angeles, CA 90025
Address

(424)-465-1532
Phone Number

singlin@cermaklegal.com
Email

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Covanta Essex Company

Signature: _____

Printed Name: Barbara Hopkinson Kelly, Esq.

Title: Attorney for Covanta Essex Company

Address: Wilson Elser Moskowitz Edelman & Dicker LLP
200 Campus Drive
Florham Park, NJ 07932

Phone Number: 973-735-5765

Email: barbara.kelly@wilsonelser.com

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The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Croda Inc.

Signature:

Printed Name: Stephen A. Swedlow

Title: Counsel for Croda Inc.

Address: Quinn Emanuel Urquhart & Sullivan LLP
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606

Phone Number: 312-705-7488

Email: stephenswedlow@quinnemanuel.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: General Electric Company

Signature:

Printed Name: Gary P. Gengel

Title: Attorney

Address:
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022

Phone Number: 212-906-1200

Email: gary.gengel@lw.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: L3Harris Technologies, Inc., f/k/a Harris Corporation, for itself and as successor in interest to Exelis Inc., successor in interest to ITT Corporation with respect to its former facility in Nutley and Clifton, New Jersey.

Signature: Susanne Peticolas

Printed Name: Susanne Peticolas

Title: Counsel to L3Harris Technologies, Inc., f/k/a Harris Corporation, for itself and as successor in interest to Exelis Inc., successor in interest to ITT Corporation with respect to its former facility in Nutley and Clifton, New Jersey

Address: Gibbons, PC
One Gateway Center
Newark, N.J. 07102

Phone Number: 973-596-4751

Email: speticolas@gibbonslaw.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Legacy Vulcan LLC

Signature: Eddie Lewis

Printed Name: Edward Lewis

Title: Attorney

Address: 1301 McKinney, Suite 5100
Houston, TX 77035

Phone Number: 713 651 5151

Email: eddie.lewis@nortonrosefulbright.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: National-Standard LLC

Signature: _____

Printed Name: Barbara Hopkinson Kelly, Esq.

Title: Attorney for National-Standard LLC

Address: Wilson Elser Moskowitz Edelman & Dicker LLP
200 Campus Drive
Florham Park, NJ 07932

Phone Number: 973-735-5765

Email: barbara.kelly@wilsonelser.com

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The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For:	Pabst Brewing Company, LLC
Signature:	Heather L. Demirjian
Printed Name:	Heather L. Demirjian
Title:	Counsel for Pabst Brewing Company, LLC
Address:	Cole Schotz P.C. 25 Main Street Hackensack, New Jersey 07601
Phone Number:	(201) 525-6314
Email:	hdemirjian@coleschotz.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: PPG Industries, Inc.

Signature:

Printed Name: Gary P. Gengel

Title: Attorney

Address:
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022

Phone Number: 212-906-1200

Email: gary.gengel@lw.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: **Public Service Enterprise Group Incorporated**

Signature: Tamara Linde

Printed Name: **Tamara L. Linde**

Title: **Executive Vice President and General Counsel**

Address: **80 Park Plaza, Newark, NJ 07401**

Phone Number: **973 430 8058**

Email: **Tamara.Linde@pseg.com**

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: [Company Name] Roye Associates, LP

Signature:

Printed Name: Albert J. Roye II

Title: President, Mangos, Inc. G.P.

Address: 55 Carlton Avenue
East Rutherford, NJ 07073

Phone Number: 201-438-5260

Email: aj.roye@royeglobal.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Sequa Corporation

Signature: Gary P. Gengel

Printed Name: Gary P. Gengel

Title: Attorney

Address:
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022

Phone Number: 212-906-1200

Email: gary.gengel@lw.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Tate & Lyle Ingredients Americas LLC

Signature:_____

Printed Name: John R. Holsinger

Title: Attorney

Address: One University Plaza Suite 611
Hackensack, NJ 07601

Phone Number: (201) 487-9000

Email: johnh@jrholsinger.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative this 28th day of January, 2021.

For: Atlas Refinery, Inc.

Signature: _____

Printed Name: Jonathan N. Frodella, Esq.

Title: Attorney at Laddey, Clark & Ryan, LLP

Address:
60 Blue Heron Rd, Suite 300
Sparta, NJ 07871

Phone Number: 973-903-3147

Email: jfrodella@lcrlaw.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Johnson & Johnson, Esq.

Signature:

Printed Name: John M. Johnson, Esq.

Title: Borough Attorney

Address: 30 Columbia Tpke, Suite 200, Florham Park, NJ 07932

Phone Number: 973-593-8000

Email: john@johnsonlawnj.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Darling Ingredients Inc.

Signature:

Printed Name: John F. Sterling

Title: Executive Vice President and General Counsel

Address: 5601 N. MacArthur Blvd.
Irving, TX 75038

Phone Number: 972-281-4402

Email: jsterling@darlingii.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Elan Chemical Co., Inc.

Signature:

Printed Name: Geri Albin, Esq.

Title: Attorney for Elan Chemical Co., Inc.

Address: Saiber LLC
18 Columbia Turnpike, Suite 200
Florham Park, NJ 07932-2266

Phone Number: 973-845-7719

Email: galbin@saiber.com

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Neu Holdings U.S. Corporation

By: _____
Signature

Dennis Schepker
Corporate Secretary
Neu Holdings U.S. Corporation
c/o Eden Wood Realty LLC
47 Parsippany Road
Whippany, NJ 07923
973.428.0065
dennis@edenwoodrealty.com

Date: 2 February 2021

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: **Occidental Chemical Corporation**

Signature:

Printed Name: **Larry Silver**

Title: **Partner, Langsam Stevens Silver & Hollaender LLP, on behalf of Occidental Chemical Corporation**

Address: **1818 Market Street, Suite 2430, Philadelphia PA 19103**

Phone Number: **215.239.9023**

Email: **lsilver@lssh-law.com**

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Passaic Valley Sewerage Commission

Signature: _____

Name: Michael D. Witt

Title: General Counsel

Address: 600 Wilson Avenue
Newark, New Jersey 07105

Telephone: (973) 817-5944

Email: mwitt@pvsc.com

Date: February 5, 2021

The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: Teval Corporation, Alliance Chemical Inc., and Kearny Smelting & Refining Corp.

Signature: Lee Henig-Elona

Printed Name: Lee Henig-Elona

Title: Attorney

Address: Gordon Rees Scully Mansukhani, 18 Columbia Trpk, Florham Park, NJ 07032

Phone Number: (973) 549-2520

Email: lhenig-elona@grsm.com

Dated: February 1, 2021

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The undersigned Cooperating Party consents to the terms and conditions of this Fifth Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement by its duly authorized representative.

For: WestRock-Southern Container, LLC

Signature:

Printed Name: Gail Howie Conenello, Esq.

Title: Counsel for WestRock-Southern Container, LLC

Address: K&L Gates LLP, One Newark Center, Newark, NJ 07102

Phone Number: 973-848-4048

Email: gail.conenello@klgates.com