From:	Yacovone, Krista
To:	"Hatfield, William S."
Cc:	Otero, Camille V.
Subject:	RE: LCP Matters
Date:	Tuesday, January 31, 2017 5:08:00 PM
Attachments:	2017.1.9 Letter from S. Simson to K. Yacovone.pdf

Bill—see attached.

Best,

Krista

--
Krista E. Yacovone
Assistant Regional Counsel
Office of Regional Counsel
New Jersey Superfund Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866
(212) 637-3095

From: Hatfield, William S. [mailto:WHatfield@gibbonslaw.com]
Sent: Tuesday, January 31, 2017 3:39 PM
To: Yacovone, Krista <yacovone.krista@epa.gov>
Cc: Otero, Camille V. <COtero@gibbonslaw.com>
Subject: RE: LCP Matters

Krista:

Thank you for the email below in follow up to our telephone call yesterday.

Kindly send us a copy of the January 9th letter from Ms. Simson at QE, which is referenced in paragraph 1 of EPA's Jan 24th letter.

Regards,

Bill

William S. Hatfield
Director Real Property & Environmental
Gibbons P.C.
One Gateway Center, Newark, NJ 07102
Direct: (973) 596-4511

Fax: (973) 639-8320
whatfield@gibbonslaw.com

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From: Yacovone, Krista [mailto:yacovone.krista@epa.gov]
Sent: Monday, January 30, 2017 4:42 PM
To: Hatfield, William S.
Cc: Otero, Camille V.
Subject: LCP Matters

Bill,

As I mentioned, the documents responsive to FOIA Request No. EPA-R2-2016-007137 which are not subject to a confidentiality claim were produced in July 2016. Please see the attached letter dated June 30, 2016 explaining our partial approval/denial determination and informing Mr. Arnold that the responsive documents which are not subject to a confidentiality claim were uploaded to FOIAonline. As indicated in the letter, the documents subject to G-I Holdings' confidentiality claim are insurance policies and related settlement agreements with various insurers. These are the only documents which have not been produced in response to FOIA Request No. EPA-R2-2016-007137.

I am also attaching the letter to Ms. Simson regarding the Newark Bay Study Area.

Best,

Krista

--
Krista E. Yacovone
Assistant Regional Counsel
Office of Regional Counsel
New Jersey Superfund Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
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WRITER'S DIRECT DIAL NO.
(212) 849-7378

WRITER'S EMAIL ADDRESS
sylviasimson@quinnemanuel.com

January 9, 2017

Krista Yacovone
Assistant Regional Counsel
Office of Regional Counsel
New Jersey Superfund Branch
U.S. Environmental Protection Agency,
Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: **Request for EPA's Position Vis-à-vis the Newark Bay Complex Superfund Site**

Dear Krista:

We write on behalf of our client, Linden Property Holdings LLC ("LPH"), to request the U.S. Environmental Protection Agency's ("EPA") formal position as to the location of the Newark Bay Complex Superfund Site southern boundary. As you know, LPH is the current property owner of the property designated as Block 587, Lots 1 and 2.01, in the City of Linden, Union County, New Jersey (the "LPH Property"). The Arthur Kill is adjacent to the LPH Property.

We have attached two documents to this letter which we hope will clarify our specific questions, which are set forth below. The first map, attached as Exhibit A, was submitted by ISP Environmental Services Inc. ("IES"), the former owner of the LPH Property, to the New Jersey Department of Environmental Protection in a May 7, 2016 Off-Site Remedial Investigation Report concerning the Arthur Kill. You will see that the map at Exhibit A displays IES' investigation area overview. The second map, attached as Exhibit B, is a figure extracted from the Newark Bay Complex Remedial Investigation Report, which is publicly available, and displays the Newark Bay Complex Remedial Investigation Geographic Areas. We have highlighted in black the IES investigation area in the Arthur Kill on this figure.

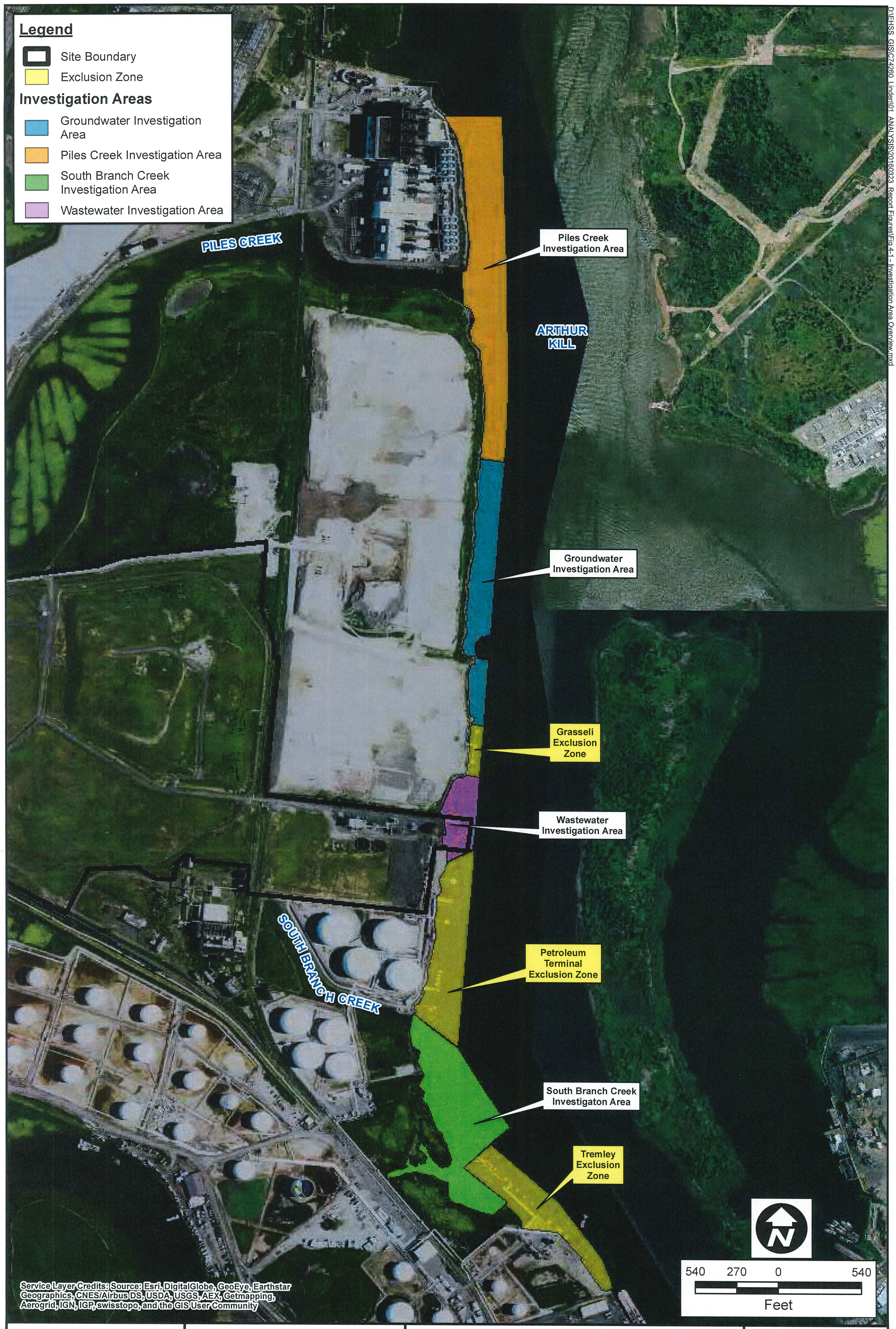
Our specific questions are as follows. First, the Newark Bay Complex Superfund Site is described as including the upper reaches of the Arthur Kill. Is the entire area displayed in Exhibit A (also indicated as the Arthur Kill area highlighted on Exhibit B) within the geographical boundaries of the Newark Bay Complex Superfund Site? Second, what does EPA consider the parameters of the southern extent of the Newark Bay Complex to be? We have seen some publicly available information that suggests that the Newark Bay Complex stops at the Goethals Bridge, but more recent reports (e.g., the Newark Bay Complex supplemental remedial investigation, which includes sampling adjacent to and south of the LPH Property, and the various ecological studies for the Newark Bay Complex, which include multiple areas south of the LPH Property) appear to indicate that the official boundaries of the Newark Bay Complex Superfund Site may extend as far south as the southern end of Prall's Island or beyond. Accordingly, LPH would very much appreciate a clearer understanding of EPA's formal position as to the geographical boundaries of the Newark Bay Complex Superfund Site.

Thank you very much in advance for assisting us with this inquiry and I am available to discuss via teleconference at any time should that be helpful.

All the best,

Sylvia E. Simson

Exhibit A



D:\EHSS_GIS\C74260_Linden\01_ANALYSIS\20160323_Report Figures\Fig 4-1 - Investigation Area Overview.mxd

EHS Support consider it done

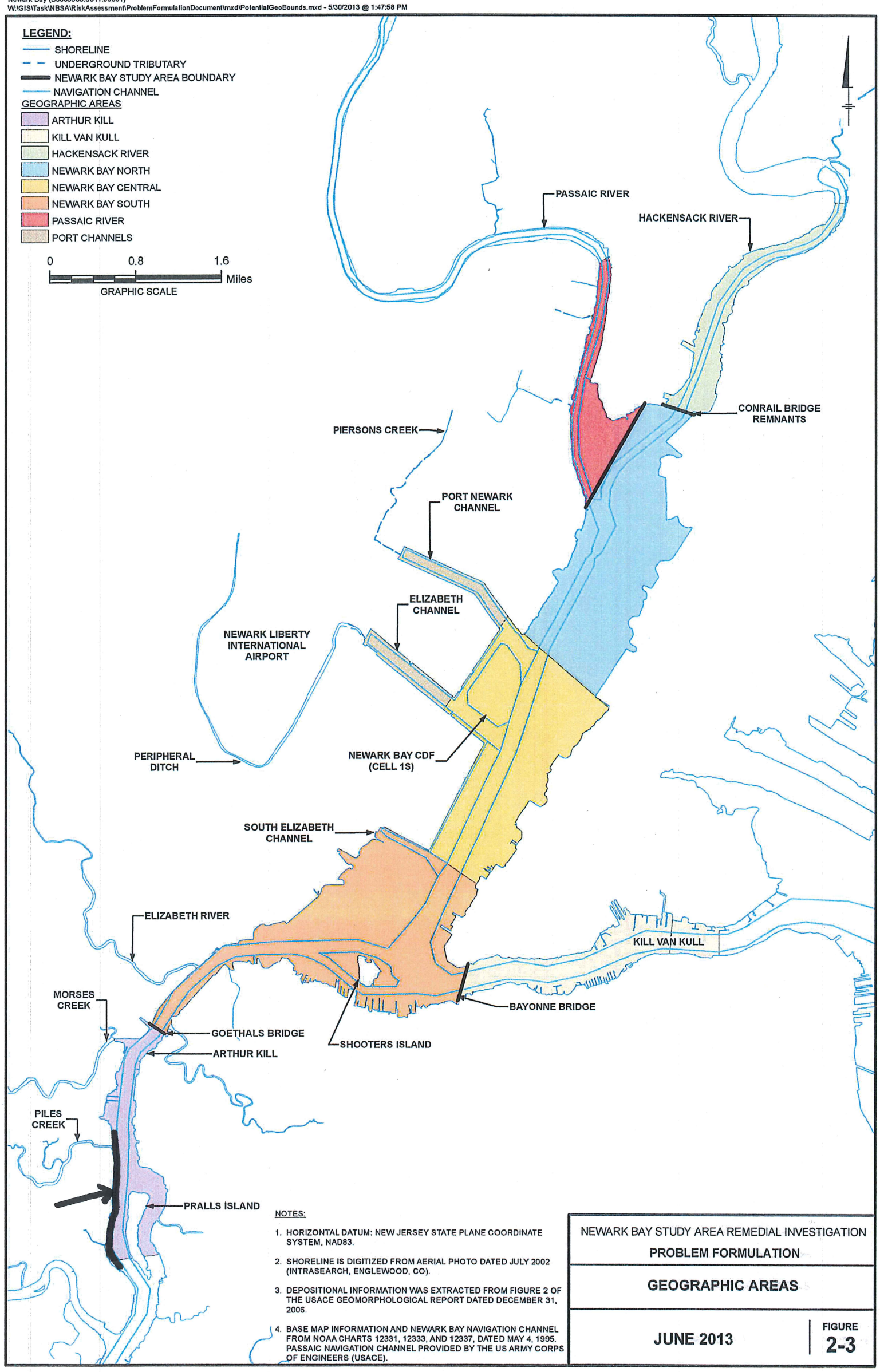
LINDEN PROPERTY HOLDINGS LLC SITE

INVESTIGATION AREA OVERVIEW
PI# G000001667

FIGURE 4-1

Exhibit B

CITY: SYR DIV/GROUP: SYE40 DB: K. SINSABAUGH PM:
Newark Bay (B0009989.0011.00001)
W:\GIS\Task\NBSA\RiskAssessment\ProblemFormulationDocument\mxd\PotentialGeoBounds.mxd - 5/30/2013 @ 1:47:58 PM



NOTES:

1. HORIZONTAL DATUM: NEW JERSEY STATE PLANE COORDINATE SYSTEM, NAD83.
2. SHORELINE IS DIGITIZED FROM AERIAL PHOTO DATED JULY 2002 (INTRASEARCH, ENGLEWOOD, CO).
3. DEPOSITIONAL INFORMATION WAS EXTRACTED FROM FIGURE 2 OF THE USACE GEOMORPHOLOGICAL REPORT DATED DECEMBER 31, 2006.
4. BASE MAP INFORMATION AND NEWARK BAY NAVIGATION CHANNEL FROM NOAA CHARTS 12331, 12333, AND 12337, DATED MAY 4, 1995. PASSAIC NAVIGATION CHANNEL PROVIDED BY THE US ARMY CORPS OF ENGINEERS (USACE).

NEWARK BAY STUDY AREA REMEDIAL INVESTIGATION
PROBLEM FORMULATION

GEOGRAPHIC AREAS

JUNE 2013

FIGURE
2-3