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Vinson&Elkins

Carol E. Dinkins cdinkins@velaw.com
Tel +1.713.758.2528 **Fax** +1.713.615.5311

March 3, 2014

By Email

Sarah P. Flanagan, Esq.
Assistant Regional Counsel
USEPA
Office of Regional Counsel, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: Diamond Alkali, Lower Passaic River Study Area – River Mile 10.9
Unilateral Administrative Order for Removal Response Activities
USEPA Region 2 CERCLA Docket No. 02-2012-2020

Dear Ms. Flanagan:

On behalf of our clients, Occidental Chemical Corporation, Maxus Energy Corporation, and Tierra Solutions, Inc., as requested in your December 23, 2013 letter and subsequent letter regarding the Order, dated February 18, 2014, submitted herewith is the Statement of Work (SOW)to perform a study to investigate the location of the water mains at the River Mile 10.9 Removal Action Area (the "Survey").

Dr. James Best, Professor of Sedimentary Geology at the University of Illinois, prepared this SOW. Dr. Best has extensive international experience in mapping subsurface structures in river environments using Ground Penetrating Radar and Parametric Echo technologies. If the United States Environmental Protection Agency (EPA) approves this SOW, the field survey will be performed as a University of Illinois Project, under Dr. Best's direction.

Based on your December 23rd letter and subsequent communications in January, we had expected to meet with EPA to discuss these matters to inform our development of the SOW. However, as you know, your February 10th communication advised of intervening EPA obligations and, instead, requested that we submit the SOW to EPA by March 3, after which EPA will schedule a meeting or telephone conference. Accordingly, in the interest of time and sensitivity to Dr. Best's schedule, we request EPA's timely review of this SOW.

Hopefully, EPA will find the SOW acceptable in its current form. If acceptable, or if not, please so advise us at your earliest possible convenience. Also, we request EPA's approval for the performance of the Survey by Dr. Best and the University of Illinois. Additionally, please advise as to whether EPA will require submittal of a Quality Assurance Project Plan and/or a Health and Safety Plan for the Survey at your earliest convenience. Further, as also requested in your December 23, 2013 letter, upon EPA's approval of the SOW, Maxus and Tierra, on behalf of Occidental, will undertake a review and analysis of the legal and regulatory scheme associated with these water mains with the objective of determining the process to follow in seeking the necessary authorizations or permissions to accomplish, if possible, sediment removal in the 30-foot offset zone.

As you and I have previously discussed, Tierra and Maxus, on behalf of Occidental, continue to believe that preparation of an SOW to analyze how to accomplish sediment removal from the offset area should be informed by the results of the Survey and the legal/regulatory analysis. A sediment removal SOW generated prior to having available the results of that work can only be generic and would be of little import.

Lastly, regarding EPA's requested Bridge Study: as you know, by letter dated October 22, 2013, EPA requested a study of nine (9) moveable bridges on the Passaic River and one bridge on the Hackensack. We then discussed these matters during our meeting of November 19, 2013 which was held in EPA Region 2 Offices in New York, and then again during our conference by telephone on December 23, 2013. In our December 23 telephone conference, EPA noted that the issues we had raised previously about the bridge study had resulted in EPA having concerns about such a study.

Maxus and Tierra, on behalf of Occidental, continue to await EPA review of and comments on the proposed trust agreement that we submitted electronically on December 19, 2013. We will need to adjust the proposed funding amounts to reflect Maxus' and Tierra's expenditure of funds, on behalf of Occidental, to compensate the University of Illinois for preparing the attached SOW and performing the Survey.

Please let us know when you wish to schedule a telephone conference, and please do not hesitate to call if you have questions in the meanwhile.

Very truly yours,

Carol Dinkins

Carol E. Dinkins

cc: Ray Basso
Stephanie Vaughn
Patricia Hick