



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

May 14, 2014

BY ELECTRONIC MAIL

John Rolfe
demaximis, inc.
186 Center Street, Suite 290
Clinton, NJ 08809

**Re: Force Majeure Acceptance – Jackson Street Bridge Mechanical Failure
River Mile 10.9 Removal Action
Administrative Settlement Agreement and Order on Consent for Removal Action,
CERCLA Docket No. 02-2012-15**

Dear Mr. Rolfe:

This responds to your letter dated May 9, 2014 submitted on behalf of the Cooperating Parties Group (CPG), which provided notice to the U.S. Environmental Protection Agency (EPA) that a *force majeure* event, consisting of the inoperative condition of the Jackson Street Bridge (Bridge) between April 29, 2014 and May 9, 2014. EPA accepts that delay caused by the inoperative condition of the Bridge, as stated in your May 9, 2014 letter, was attributable to a *force majeure* event.

As per your emails to EPA, dated May 12, 2014 and May 13, 2014, the Bridge opened the morning of May 12, 2014, empty barges were moved to Amboy Aggregates that same day, two barges with sand were scheduled to return to RM 10.9 that evening, and the Bridge remains in operation. Therefore, it is EPA's understanding that there are currently no delays related to the aforementioned *force majeure* event which would further impact completion of the placement of the habitat sand layer.

Thank you for effort to communicate this matter to EPA and for providing daily updates of the schedule.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer LaPoma".

Jennifer LaPoma

Cc: Ray Basso, EPA
Michael Hoppe, EPA
Sarah Flanagan, EPA
Patricia Hick, EPA

Robert Law, de maximis
Willard Potter, de maximis