



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105**

May 4, 2010

**Subject:** Operating Industries Inc., (“OII”) Superfund Site – *de minimis* Settlement Offer, Extension of Time

**To:** Operating Industries Inc., *de minimis* parties

This letter is in regards to the March 17, 2010, OII *de minimis* settlement offer. EPA has made a determination to grant an extension of time to all of the *de minimis* parties for 45 days. Unless you have received an extension of time from EPA that extends later than June 21, 2010, signature pages are now due on June 21, 2010, not May 7, 2010, in order to receive the 5% discount. Consistent with the information provided to parties in March 2010, companies will receive a 5% settlement discount if EPA receives the signature page by June 21, 2010. If a party submits a challenge by June 21, 2010, please review the information provided in the settlement package regarding whether the 5% discount will apply. Additionally, a number of parties have asked EPA to state a final deadline for signature pages. Based on those requests, EPA is setting a final deadline for all signature pages to be submitted by September 30, 2010.

Finally, at the April 22<sup>nd</sup> *de minimis* meeting in Los Angeles, a number of questions were raised regarding whether EPA will review challenges based on the content or hazardousness of the waste. Many of the manifests at the OII Site use the terms “mud and water” or “oil,” but EPA has found that wastes bearing those descriptions usually contain hazardous substances. Therefore, EPA has consistently told parties at the OII Site that we would not entertain challenges based on content or hazardousness of the waste. Subsequent to the meeting, EPA staff discussed the issue again with management, and EPA’s position remains the same - EPA will not review challenges based on the content or hazardousness of the waste.

I am also enclosing a memorandum from David Giannotti, common counsel to the OII Steering Committee regarding cost recovery and contribution claims. If you have any questions regarding this memorandum, please direct them to Mr. Giannotti.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet A. Magnuson".

Janet A. Magnuson  
Assistant Regional Counsel