

FOI# 16/29

SHOOK
HARDY & BACON

June 29, 2015

Secretary
Attn: FOI Administrator
The Port Authority of New York and New Jersey
Corporate Offices
4 World Trade Center
150 Greenwich Street
New York, NY 10007

Justin D. Smith

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07-01-15A09:26 RCVD

Re: Port Authority Freedom of Information Code

Dear FOI Administrator:

This document request is submitted pursuant to the Port's Freedom of Information Code. This request concerns the Port Authority of New York and New Jersey's files relating to the Diamond Alkali Superfund Site, which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area ("LPRSA") and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

This request seeks the following information be copied and provided to me by electronic means (preferred) or by mail.

1. All documents and communications relating to the development of the LPRSA Focused Feasibility Study ("FFS"), including but not limited to the 2007 draft FFS, the 2014 final FFS and proposed plan, any proposed or actual modifications to the 2014 FFS and proposed plan, and any other related reports.
2. All documents and communications regarding reaction to public comments submitted on the 2014 FFS and proposed plan, including but not limited to internal correspondence, meeting notes, document markups, or comments provided to another government agency.
3. All documents and communications relating to the LPRSA Remedial Investigation / Feasibility Study, including but not limited to internal correspondence, meeting notes, document markups, or comments provided to another government agency.
4. All documents and communications relating to past, present, or future dredging in the LPRSA.

5. All documents and communications relating to ecological risk assessment or human health risk assessment in the LPRSA.
6. All documents and communications relating to EPA's conceptual site model for the LPRSA.
7. All documents and communications regarding a confined aquatic disposal or confined disposal facility remedial option for the LPRSA.
8. All documents and communications regarding meetings or conversations with the Cooperating Parties Group, or any of its members, agents, attorneys, or consultants relating to the LPRSA.
9. All documents and communications sent to or received from Occidental Chemical Corporation (OxyChem), Maxus Energy Corporation, Tierra Solutions, Inc. (f/k/a Chemical Land Holdings, Inc.), or Diamond Shamrock Chemical Company, or any of their employees, agents, attorneys, or consultants relating to the LPRSA.
10. All documents and communications regarding meetings or conversations with Occidental Chemical Corporation (OxyChem), Maxus Energy Corporation, Tierra Solutions, Inc. (f/k/a Chemical Land Holdings, Inc.), or Diamond Shamrock Chemical Company, or any of their employees, agents, attorneys, or consultants relating to the LPRSA.
11. All communications and records of meetings regarding the LPRSA with any other governmental agency, including the United States Environmental Protection Agency, the United States Army Corps of Engineers, the State of New Jersey, the New Jersey Department of Environmental Protection, the National Oceanic and Atmospheric Administration, or the United States Fish and Wildlife Service.
12. All communications and records of meetings regarding the LPRSA with the Passaic River Community Advisory Group ("CAG") or individual members of the CAG.
13. All communications and records of meetings regarding the LPRSA with a federal, state, or local elected official or his or her staff.
14. All documents and communications regarding conversations, meetings, or planned or completed outreach with a federal, state, or local elected official or his or her staff relating to the LPRSA.

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15. All communications and records of meetings regarding the LPRSA with the Sierra Club, the Passaic River Coalition, The Gateway Group, or any other non-governmental group or organization.
16. All communications and records of meetings regarding the LPRSA with a member of the press, including but not limited to print, radio, television, and Internet reporters or bloggers.
17. All documents and communications sent to or received from Judith Enck, Catherine McCabe, Mathy Stanislaus, James Woolford, Becky Clark, Pam Barr, Betsy Southerland, Steve Ells, Walter Mugdan, George Pavlou, Stephanie Vaughn, Ray Basso, Alice Yeh, Elizabeth Butler, Eugenia Naranjo, Tom Taccone, Jennifer LaPoma, Eric Stern, David Kluesner, Marian Olsen, Mark Greenberg, Chuck Nace, Alan Steinberg, Lisa Jackson, Kathleen Callahan, Lisa Baron, Peter Weppler, Beth Buckrucker, Beth Franklin, Joe Seebode, Todd Bridges, Scott Nicholson, Robert Engler, Col. Paul Owen, Col. John R. Boulé II, Tim Kubiak, Clay Stern, Reyhan Mehan, Jay Fields, Scott Douglass, or Elkins Green relating to the LPRSA.
18. All documents and communications regarding the LPRSA with the National Remedy Review Board or the Contaminated Sediments Technical Advisory Group.
19. All documents and communications that evaluate, discuss, or otherwise concern the possible effect on Passaic River bridges by implementation of a proposed or actual remedial option in the LPRSA.
20. All documents and communications that evaluate, discuss, or otherwise concern the possible effect on vehicular, rail, boat, or other traffic by implementation of a proposed or actual remedial option in the LPRSA.
21. All documents and communications regarding journal articles or other publications authored, or presentations given, by Anthony Wolfskill, Brent Finley, Carol Dinkins, David Rabbe, Dennis Paustenbach, Richard Wenning, Rick McNutt, Steven Huntley, or Timothy Iannuzzi.
22. All documents and communications regarding Occidental Chemical Corporation (OxyChem), Maxus Energy Corporation, Tierra Solutions, Inc. (f/k/a Chemical Land Holdings, Inc.), or Diamond Shamrock Chemical Company as a potentially responsible party in the LPRSA.
23. All documents and communications regarding hazardous substances discharged by the 80 and 120 Lister Avenue facility to the LPRSA.

24. All documents and communications regarding the 80 and 120 Lister Avenue facility as a source of alleged contamination in the LPRSA.
25. All documents and communications regarding enforcement actions, notices of violation, directives, notice letters, administrative orders, decrees, or settlement agreements involving Occidental Chemical Corporation (OxyChem), Maxus Energy Corporation, Tierra Solutions, Inc. (f/k/a Chemical Land Holdings, Inc.), or Diamond Shamrock Chemical Company relating to the Diamond Alkali Superfund Site.
26. All documents and communications regarding the need for early action, interim remedial measures, or source control in the LPRSA.
27. All documents and communications regarding the Passaic River Restoration Initiative.
28. All documents and communications regarding the development of the April 20, 1994 Administrative Order on Consent, Index No. II-CERCLA-0117, in the matter of the Diamond Alkali Superfund Site, Passaic River Study Area, signed by Occidental Chemical Corporation.
29. All documents and communications regarding the development of the 2004 Section 122(h) Agreement, CERCLA Docket No. 02-2004-2011, in the matter of the Lower Passaic River Study Area of the Diamond Alkali Superfund Site, signed by the parties set forth on Appendix A of the Agreement.
30. All documents and communications regarding the Unilateral Administrative Order for Removal Response Activities, CERCLA Docket No. 02-2012-2020, in the matter of the Lower Passaic River Study Area Portion of the Diamond Alkali Superfund Site, issued to Occidental Chemical Corporation on June 25, 2012.

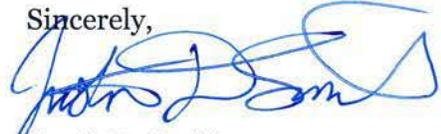
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Your prompt attention to this matter is greatly appreciated. Please contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will take responsibility for any necessary copying and/or shipping charges.

I look forward to receiving your response. Thank you for your anticipated cooperation.

Sincerely,



Justin D. Smith

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THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY PRA #16129
PUBLIC RECORD ACCESS FORM

Action by (print / type name):

Danny Ng, Freedom of Information Administrator

Signature:



Date:

08/10/2016

On behalf of the Secretary of the Port Authority, as Records Access Officer and Custodian of Government Records of the Port Authority.

- The requested records are being made available.
- Any responsive records that may exist are currently in storage or archived, and a diligent search is being conducted. The Port Authority will respond by:
- A diligent search has been conducted, and no records responsive to your request have been located.
- The requested records that have been located are not being made available, as they are exempt from disclosure for the following specific reasons:

- Some requested records that have been located are being made available. The remainder are exempt from disclosure for the following specific reasons:

- The request does not reasonably describe or identify specific records; therefore, the Port Authority is unable to search for and locate responsive records. Please consider submitting a new request that describes or identifies the specific records requested with particularity and detail.

- Other:

This form is promulgated by the Port Authority pursuant to the Port Authority Public Records Access Policy and is intended to be construed consistent with the New York Freedom of Information Law and the New Jersey Open Public Records Act. It is intended to facilitate requests for Port Authority public records and does not constitute legal advice.