

A. COHEN Decl. Exhibit 1

De Minimis Settlement Offer

Operating Industries, Inc. Superfund Site

April 22, 2010



EPA Project Team:

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Agenda

- Site Background/CERCLA
- Potentially Responsible Parties/Manifests/Hazardous Substances
- Current Offer/Form of Agreement/Benefits of Settlement
- Costs/Settlement Amount
- Cleanup Activities
- Challenge Applications/Document Repositories/Signature Page Due Dates/Contact Information
- Questions & Answers

Operating Industries, Inc. (OI)
Superfund Site De Minimis
Settlement Offer

Site Background/CERCLA

OII - Site Background

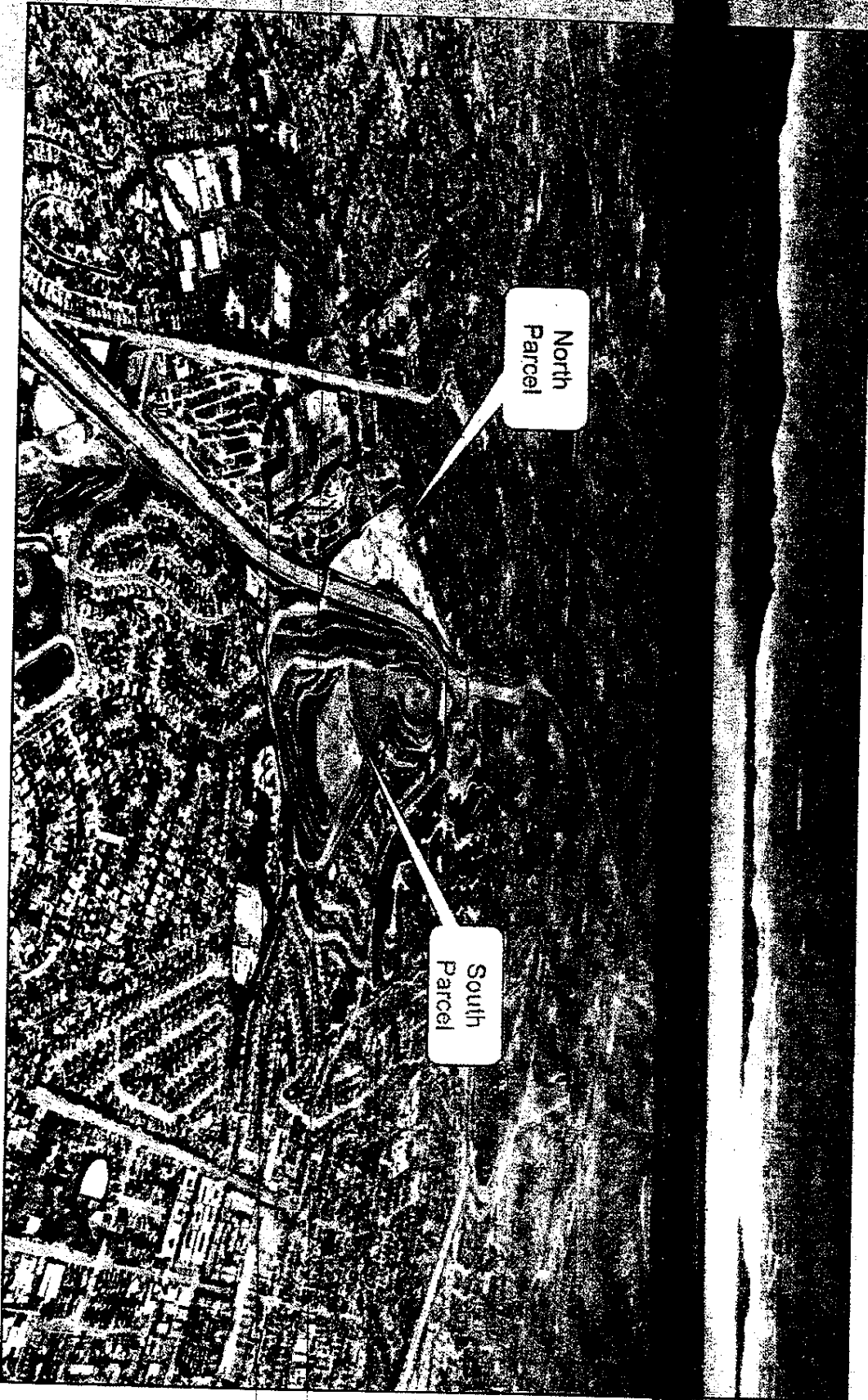
Site Background

Location:

- Site located in City of Monterey Park with City of Montebello along southern boundary
- Pomona Freeway (Highway 60) divides site into two distinct parcels:
 - North Parcel – 45 acres
 - South Parcel – 145 acres
- Site surrounded by homes, shopping areas, commercial buildings

Oil - Site Background

Oil Landfill



OII - Site Background

Site Background

- **Operational Period:**
From 1948 to 1984
- **Types of Wastes:**
 - Municipal Solid Waste:** ~ 38 million cubic yards
 - Liquid Industrial Waste:** > 300 million gallons
- **Landfill Mass (South Parcel):**
 - 275 feet high
 - Steep side slopes
- Placed on EPA's National Priorities List (NPL) in June 1986

OIL - CERCLA

Liabile Parties Under CERCLA

Per CERCLA § 107(a), 42 U.S.C. § 9607(a):

1. Current owners/operators
2. Owners/operators at time of disposal
3. Generators or arrangers for disposal of hazardous substances
4. Transporters

OII - CERCLA

Liability Scheme

- Joint and Several
- Retroactive
- Strict

OII - CERCLA

Historical Enforcement Activities

- **Nine Consent Decrees (CDs)**
(Three primary work settlements **CD-1, CD-3, CD-8**)
 - Work Defendants agreed to fund and perform work
 - Other generators participated by paying cash based on their volumetric share
 - Non-generators settled in CD-4 (municipalities and transporters)

OII - CERCLA

Historical Enforcement Activities (cont.)

- **Two Unilateral Administrative Orders (UAOs)**
 - For remedial activities by recalcitrant majors
- **Seven Administrative Orders on Consent**
 - First AOC issued in 1998; last issued in 2002
 - 450 parties settled in first *de minimis* settlement