

Passaic River Site Timeline

1980s-2000s

After the stock acquisition of Diamond Shamrock's chemicals business, OxyChem inherits liability for a plant it never operated. Robust indemnity from seller put in place.

1984

Diamond Alkali plant and surrounding watersheds listed as part of Diamond Alkali Superfund Site.

1986

OxyChem buys stock of Diamond Shamrock's chemicals business. DSCC parent company, now known as Maxus Energy, retains all Superfund liability and provides OxyChem robust indemnity against it.

1990s-2016

OxyChem's indemnitor spends **\$300MM** on investigation and clean-up work at site.

2016-2022

In September of 2016, OxyChem began designing EPA's selected remedy for the first part of the Passaic clean-up at an estimated cost of \$165MM.

MARCH 2016

EPA announced **\$1.3B** clean-up; Maxus Energy filed for bankruptcy three months later.

SEPTEMBER 2016

OxyChem agrees to design EPA's selected remedy for the first part of the Passaic clean-up; Creates bankruptcy plan to fund clean-up for United States and OxyChem.

JULY 2018

OxyChem brings CERCLA action to ensure other polluters pay their fair share to clean-up Passaic.

OCTOBER 2021

EPA issues record of decision for second part of the Passaic clean-up at an estimated cost of **\$441MM**.

THE PRESENT

OxyChem offers to perform work for both parts of the Passaic clean-up, including EPA's estimated \$441MM clean-up of the second portion of the Passaic River.

JANUARY 2022

OxyChem offered to do all work on the second part of the Passaic clean-up, if it could seek reimbursement from other polluters.

JUNE 2022

OxyChem expands offer to include work for both parts of the river. Design work for the first part of the river is 95% complete.

EPA NEVER RESPONDS TO OXYCHEM'S OFFERS.

TODAY

EPA wants the Court to approve settlement with 85 polluters for **<\$2MM** each and cut off OxyChem's ability to recover a fair share of clean-up costs from these polluters.