

Drogos, Donna, Env. Health

Subject: RO79 - 1001 42nd
Entry Type: Phone call

Start: Fri 11/3/2006 10:02 AM
End: Fri 11/3/2006 10:02 AM
Duration: 0 hours

Catherine Johnson, Wendel, Rosen, Black & Dean, 510-834-6600

Discussed petition procedures with her. Clarified resolution at lowest level. If don't agree with regulatory directive you don't go straight to petition. Respond to regulatory directive propose alternatives to complete work, discuss issues. Once that has occurred between RP & agency & still at impasse then petition. i.e, won't lose all rights to appeal technical decision if fail to appeal directive letter; this directive letter asks for work plan response.

She indicated that they are not saying they want to appeal, want procedures/info to be informed & in advising their client.

Some discussion of whether other plumes from Emeryville comingling with theirs. No indication of, consultants have not identified, residential & school surrounding their property so not likely industrial chem usage, also sites in question have their own sources on site & contaminated & extends off-site, off-site properties detecting their contaminant (mineral spirits).

Essentially don't have to petition at every letter if don't agree. Ltr asks for response & work plan respond with proposal for work.

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Start: Thu 11/2/2006 12:28 PM
End: Thu 11/2/2006 12:28 PM
Duration: 0 hours

10/31/06, 458p

Loretta James, Wendel, Rosen, Black & Dean, 510-834-6600
How to file an appeal re: ACEH decision re: UST cleanups
Info on where file, what process is

11/1/06, give her general info about petition process, direct her to SWRCB website.
What is site? Can give her more specific answers if know site.
She will have attorney call me.

11/02/06, 1215p,

Looking it up for atty wants to know procedures in general
Site was closed, comingled plumed traveled on to another property
Asked them for more work & apply to USTCF...
I need to know case specifics to answer her questions appropriately, she will have attorney contact me.

Petition process

If have issue with directive at that level, notify ACEH (general me) attempt to resolve at lowest level first. We would issue response. If still issue they can petition to SWRCB formally. Contact SWRCB for procedures.

11/2/06, 1238p,

Catherine Johnson, Wendel, Rosen, Black & Dean, 510-834-6600
Met re: ONE site
What legal basis for ltr, not that necessarily going to do anything about it
But as a lawyer want to know if appeal how many days to do so.
Don't know what program we are in