

## Nowell, Keith, Env. Health

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**From:** David Beretta <DBeretta@berettamgmt.com>  
**Sent:** Thursday, April 16, 2015 4:36 PM  
**To:** Dennis Dettloff; Roe, Dilan, Env. Health; Nowell, Keith, Env. Health; Walter Sprague (WSprague@pcandf.com)  
**Cc:** paulk@gkfremontlaw.com; Steve Moriarty; Michael Beretta  
**Subject:** FW: Right of Entry Agreement

Dennis Dettloff

We researched your email of March 19<sup>th</sup> 2015 which did not address the issued noted in my email to Paul Kozachenko. The main issue is having Connocco Philips as a party to the Right to Enter Agreement along with getting a copy of Aetena's Contract with Connocco Phillips for use as an exhibit; and Insurance matters. We have been and are waiting for the required business points to be resolved and documents requested. The ball is and has been in your court.

So, I will ask you again, has Aetna's Attorney and Connocco Philipps Attorney made any and all comments on the Darfted Right to Enter Agreement and submitted same to my office and that of our Attorney???

Please have your parties all respond no later than April 24<sup>th</sup> 2015.

David Beretta

PS Keith Nowell and Roe Dillan – we would appreciate your discussing this matter with Dennis Dettloff to have him fulfill the above requirements by the date you provided.

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**From:** Paul Kozachenko [mailto:PaulK@gkfremontlaw.com]  
**Sent:** Thursday, April 16, 2015 4:14 PM  
**To:** David Beretta  
**Subject:** FW: Right of Entry Agreement

David,

This is the last email I have on the subject. Prior to this email we were exchanging drafts but I would have to now go back through the record and figure out where we left off.

Unfortunately, I am committed for the rest of the day and am flying to LA tonight to attend a seminar Friday to Sunday. Can this wait until Monday? Otherwise, I can try to carve out some time tomorrow during the seminar. Let me know.

Paul

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**From:** David Beretta [mailto:DBeretta@berettamgmt.com]  
**Sent:** Thursday, March 19, 2015 1:38 PM  
**To:** Paul Kozachenko  
**Subject:** RE: Right of Entry Agreement

Paul;

Please hold on any more work until the business issue with Conocco Phillips has been resolved. I have reviewed the most recent revisions and have the following comment for the future.

1. Aetna's Contract shall be an Exhibit to the Right of Entry Agreement
2. Insurance – we would only require Licensee to name us as Additional Insured with respect to General Liability and Pollution or Haz Mat coverage. I don't think Worker's Comp can issue an Additional Insured but would require that if it can be. We're ok with deleting Professional.....provided Conocco Phillips is signing on the document.
3. Exhibit B – I'm ok with the changes.

I think those were the only changes made. We'll wait to hear back on getting a copy of Aetna's Contract and Conocco Phillips document before making any further comment.

David Beretta

PS. Please let me know what our entire Legal Costs for this matter has been to date.

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**From:** Paul Kozachenko [<mailto:PaulK@gkfromontlaw.com>]

**Sent:** Thursday, March 19, 2015 12:59 PM

**To:** David Beretta

**Cc:** Steve Moriarty

**Subject:** FW: Right of Entry Agreement

David,

2<sup>nd</sup> email. This is the most recent proposed revision. Let's discuss. I will not make any revisions until we have had a chance to talk.

Regards,

Paul

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**From:** Dennis Dettloff [<mailto:Dennis.Dettloff@anteagroup.com>]

**Sent:** Thursday, March 19, 2015 10:11 AM

**To:** Mark Vargo

**Cc:** Paul Kozachenko

**Subject:** Right of Entry Agreement

Mark:

I found one other issue with the previously prepared access agreement. In Exhibit B it states that the wells will be over drilled and then backfilled with soil. This is not the industry standard and not acceptable to Alameda County Health Department or the permitting agency, Alameda County Public Works. I have made to appropriate changes in the attached agreement. Let me know if you have any questions.

Best Regards,

**Dennis S. Dettloff, P.G. | Senior Project Manager | Antea Group**

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