

## Plunkett, Steven, Env. Health

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**From:** Henry Pietropaoli [hpietropaoli@stellar-environmental.com]  
**Sent:** Thursday, October 09, 2008 10:38 AM  
**To:** 'Luella Penserga'  
**Cc:** 'Richard Makdisi'; 'Mary Kranz'; 'Michael Rabanal'; 'Set Star - gmail'; Plunkett, Steven, Env. Health  
**Subject:** RE: 387 Orange St., Oakland,  
**Attachments:** Workplan Feb 11-08.pdf; ACEH July 14, 2008.pdf; Encroach Permit Requirements.pdf

Dear Luella et al,

Yesterday I had a conference with Mary Kranz and her husband who are frustrated, as we all are, that your insurance company will not provide the endorsement necessary to obtain the encroachment permit which has effectively halted the remedial action at the site. Ms. Kranz and her husband were concerned that your insurance company may not have a full understanding of the project.

To help the insurance company understand the project background and why we are asking for the encroachment permit insurance endorsement, I have attached for their review: the Stellar Environmental workplan, the Alameda County Environmental Health Directive and Technical Comments Letter and the encroachment permit requirements (page 2 explains in detail the insurance endorsement).

I have already researched the possibility of installing the well in the front garden area of the house as an alternative to avoid the need for an encroachment permit, however Chris Bacina of the City Of Oakland Building Services (510-238-3759) has informed me that the City right-of-Way (ROW) extends five feet toward the house from the house side edge of the sidewalk, thus a location in the front planter and out of the ROW would land too far away from the contaminant "hot spot" and too close to the house and therefore would not be feasible.

Because this site has been accepted by the California State Cleanup Fund (FUND) for reimbursement of "reasonable costs" incurred for cleanup actions, if the insurance company persists in denying the endorsement, could you please obtain the name, capacity and contact information of the insurance company representative who is making the denial and the reason for the denial so that we can document the "reason" such that additional costs incurred due to ongoing regulatory communication and potential workplan revisions will qualify for future FUND reimbursement.

As discussed in earlier emails which can be read below, the insurance requirement must be satisfied to obtain the permit. We have not encountered this roadblock before in any of our numerous sites in Oakland. Alameda County Environmental Health has given us an extension on the due date, however the process will continue regardless and we do need to keep the regulatory agencies informed.

If anyone has any questions, please contact me by email or in the office.  
Thank you,

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**From:** Henry Pietropaoli [mailto:hpietropaoli@stellar-environmental.com]  
**Sent:** Wednesday, October 08, 2008 9:27 AM  
**To:** 'Plunkett, Steven, Env. Health'  
**Cc:** Richard Makdisi (Rmakdisi@stellar-environmental.com); (mkranz@asrt.org)  
**Subject:** RE: 387 Orange St., Oakland,

Steve,

Thanks for talking with the City of Oakland. I have forwarded your communication to the property owners. Maybe their insurance company will reconsider and provide the endorsement for an additional fee that we could compensate them for. If not, I doubt that they will want to shop for a new carrier. I will keep you posted.

Regards

Henry

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**From:** Plunkett, Steven, Env. Health [mailto:steven.plunkett@acgov.org]  
**Sent:** Wednesday, October 08, 2008 8:30 AM  
**To:** 'hpietropaoli@stellar-environmental.com'  
**Subject:** RE: 387 Orange St., Oakland,

Henry,

I spoke to Chris at the City of Oakland yesterday regarding the issue of encroachment permits and the requisite insurance needed for the installation of a MW in public ROW. He informed me that this requirement has been in place for quite some time, and even though the well is not permanent the insurance requirement must be satisfied. As a matter of fact, City of Oakland considers all wells in the ROW to be temporary. He also informed me that other property owners in Oakland have satisfied the insurance requirement, and thus have installed wells in the ROW.

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*"The bicycle is a curious invention,  
The passenger is its engine."*

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**From:** Henry Pietropaoli [mailto:hpietropaoli@stellar-environmental.com]  
**Sent:** Monday, October 06, 2008 5:51 PM  
**To:** Plunkett, Steven, Env. Health  
**Subject:** 387 Orange St., Oakland,

Hi Steven,

Attached is the encroachment permit application. On page 2 is the insurance endorsement that the homeowners insurance has refused to provide. We also moved the well about 2 feet, into the planter strip so as to be out of the sidewalk and avoiding the need to get a variance. The insurance company still would not endorse. So We would appreciate any suggestion or assistance you can offer.

Thanks,  
Henry