

## Detterman, Mark, Env. Health

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**From:** Michael Lamphere [mlamphere@lampherelaw.com]  
**Sent:** Tuesday, May 13, 2014 5:00 PM  
**To:** Detterman, Mark, Env. Health  
**Cc:** pelco1969@sbcglobal.net; erik.oehlschlager@errg.com  
**Subject:** RE: Emailing: 2010-12-9.Levi (ACEH) to Barger re Notice of Responsibility.pdf

I will definitely get out a formal appeal before the deadline. Thank you, Mark.

Sincerely,  
Michael O. Lamphere

LAMPHERE LAW OFFICES  
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-----Original Message-----

**From:** Detterman, Mark, Env. Health [mailto:Mark.Detterman@acgov.org]  
**Sent:** Tuesday, May 13, 2014 4:14 PM  
**To:** Michael Lamphere  
**Cc:** pelco1969@sbcglobal.net; erik.oehlschlager@errg.com  
**Subject:** RE: Emailing: 2010-12-9.Levi (ACEH) to Barger re Notice of Responsibility.pdf

Thanks. I definitely don't recall it; however, I guess it went out, but was then replaced by a "corrected" NOR. Normally we keep every document related to a site; even small changes get re-saved; it's a bit unusual that it wasn't just saved as a corrected version.

If the USTCF has only the old one, it would appear that they may not use Geotracker as a document source, and I would again hazard a guess that a full formal response needs to be submitted before this Sunday just to keep that avenue open.

Mark Detterman  
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PDF copies of case files can be downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

-----Original Message-----

From: Michael Lamphere [mailto:mlamphere@lampherelaw.com]  
Sent: Tuesday, May 13, 2014 3:32 PM  
To: Detterman, Mark, Env. Health  
Cc: pelco1969@sbcglobal.net; erik.oehlschlager@errg.com  
Subject: Emailing: 2010-12-9.Levi (ACEH) to Barger re Notice of Responsibility.pdf  
Importance: High

<<2010-12-9.Levi (ACEH) to Barger re Notice of Responsibility.pdf>> Dear Mr. Detterman:

FYI, I had the attached 12-9-2010 "Notice of Responsibility" in my file.

The upper left hand box on page 1 identifies "Pellegrini Refrigeration & Restaurant Equipment Co." as the "Responsible Party". But note: "Apex Refrigeration Corp" is referenced as the identified "primary or active Responsible Party" in the middle of the first paragraph of page 1, and listed jointly with "Pellegrini Refrigeration & Restaurant Equipment Co." as a RP on page 3, and again on page 4 as follows:

#### Responsible Party Identification

Pellegrini Refrigeration & Restaurant Equipment Co. is the former property owner associated with the underground storage tank (UST). Pellegrini Refrigeration & Restaurant Equipment Co. is a responsible party for the site because it owned an UST used for the storage of a hazardous substance (Definition 1) and owned the property associated with an unauthorized release (Definition 3).

Apex Refrigeration Corporation was the property owner associated with the underground storage tank (USD at the time of tank removal). The Apex Refrigeration Corporation is a responsible party for the site because it owns the property associated with an unauthorized release (Definition 3).

Sincerely,  
Michael O. Lamphere

LAMPHERE LAW OFFICES  
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Your message is ready to be sent with the following file or link attachments:

2010-12-9.Levi (ACEH) to Barger re Notice of Responsibility.pdf

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