



EPA Safe Environmental - JLLP #929-8 -- PRIVILEGED COMMUNICATION

Patrick Thomas

to:

Eurika Durr

02/16/2012 03:04 PM

Hide Details

From: Patrick Thomas <Pat.Thomas@janiklaw.com>

received
2/16/2012

To: Eurika Durr/DC/USEPA/US@EPA

Ms. Durr,

Thank you for taking the time to speak with me today. You have confirmed that the EAB has now received delivery of the four hard copies and four electronic copies of Exhibits 1-90 that accompany the Petition and that nothing further need be delivered to the EAB. Thank you for taking the time to address this issue.

Regards,

Patrick J. Thomas
Janik L.L.P.
9200 South Hills Blvd.
Cleveland, OH 44147
440.740.3036 Direct
440.838.7600 Firm
440.838.7601 Fax

From: Patrick Thomas
Sent: Monday, February 13, 2012 1:22 PM
To: 'durr.eurika@epa.gov'
Subject: EPA Safe Environmental – JLLP #929-8 -- PRIVILEGED COMMUNICATION

Ms. Durr,

Per our discussion this morning, the CERCLA 106(b)(2)(C) Petition for Safe Environmental Corporation of Indiana was filed electronically today and I understand that your office has received it.

As I stated, four hard copies and four electronic copies of Exhibits 1-90 that accompany the Petition were sent to your office in three boxes by U.S. Express Mail on February 9, 2012 for overnight delivery. The US Post Office Tracking system indicates that delivery was attempted to the Mail Room at 11:03 a.m. on February 10, 2012, but lists the status as "Undeliverable as Addressed." I have enclosed receipts for each. Please confirm whether the Mail Room has

accepted, or if rejected, please provide further instructions.

Regards,

Patrick J. Thomas
Janik L.L.P.
9200 South Hills Blvd.
Cleveland, OH 44147
440.740.3036 Direct
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From: Patrick Thomas
Sent: Thursday, February 09, 2012 1:08 PM
To: 'durr.eurika@epa.gov'
Subject: EPA Safe Environmental – JLLP #929-8 -- PRIVILEGED COMMUNICATION

Ms. Durr,

Thank you for taking the time to speak with me this morning regarding filing of our 106(b) Petition on behalf of Safe Environmental Corporation of Indiana before the Environmental Appeals Board ("EAB").

As I requested regarding submission of the Exhibits that accompany the Petition, you have authorized that I may forward the Exhibits, due to their large size, for filing by overnight U.S. Express Mail today, February 9, 2012, so that they will be received by the EAB Office of the Clerk tomorrow, February 10, 2012. These will be sent to your attention to:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
Ronald Regan Building, EPA Mail Room
1300 Pennsylvania Avenue, N.W.
Washington, DC 20004

We consider our filing deadline to be Monday, February 13, 2012. It is our intention to (1) file the Petition itself (without the exhibits which will have been already received) electronically by 11:59 on Monday, February 13, 2012, on the Central Data Exchange by portable document format (pdf) and (2) to submit a hard copy of the electronically filed Petition by overnight mail so that it is received by the EAB Clerk the following day, February 14, 2012 as instructed by 40 CFR 22.5 and EAB Electronic Submission requirements identified at the website:
http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Electronic+Submission?OpenDocument

The hard copy of the Petition identified in No. (2) above will be sent to your attention to:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
Ronald Regan Building, EPA Mail Room
1300 Pennsylvania Avenue, N.W.
Washington, DC 20004

Pursuant to 40 CFR 22.5, electronic filing of the Petition and Exhibits will therefore be considered timely filed by February 13, 2012 and both Petition (filed electronically on February

13, 2012) and Exhibits (filed by overnight mail on February 9, 2012) will be part of the record before the EAB.

Please let me know if I have not correctly understood your instructions. Thank you for your kind assistance in this matter.

Regards,

Patrick J. Thomas
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