



Cleveland Trencher CERCLA 106(b) 12-01 - JLLP #929-8 -- Privileged Communication

Patrick Thomas

to:

Eurika Durr

03/29/2012 01:06 PM

Cc:

Sean Needham, Kevin Chow

Hide Details

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

Cc: Sean Needham <Sean.Needham@janiklaw.com>, Kevin Chow/R5/USEPA/US@EPA

Ms. Durr,

In review of the EAB's docket for Case CERCLA 106(b) 12-01, I note that on March 28, 2012, the EPA filed a Motion to Dismiss ("Motion") the 106(b) Petition of Respondent Safe Environmental. My understanding from the EAB Practice Manual Rules and the EAB's Revised Guidance on Procedures that our Response to the Motion is due within fifteen days of March 28, 2012 or as dictated by the EAB's invitation to respond. According to the EPA's Motion, the EPA will issue either a Notice of Completion or an Order that additional work is required by April 6, 2012. It is Safe Environmental's position that this April 6 determination by the EPA will impact its Response to the Motion. Accordingly, I would submit that an appropriate Response deadline would be fifteen days from April 6, 2012.

I have reached out to EPA regional counsel Mr. Kevin Chow for his input in this regard and have copied him on this e-mail.

Please advise as to Safe Environmental's Response deadline at your earliest convenience.

Regards,

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