Message

From: Doyle, James [Doyle.James@epa.gov]
Sent: 10/5/2015 5:07:57 PM
To: Thomas Stagg [tstagg@stcwlaw.com]
CC: Gaughan, Daniel [Gaughan.Daniel@epa.gov]; Wilson, Eric [Wilson.EricJ@epa.gov]; Andrew Kazin [akazin@stcwlaw.com]
Subject: RE: 105 Kisco Avenue

Tom,

We had wanted to talk to you because we would like to conduct sampling to determine the effectiveness of the mitigation system you have installed. To do this, we are requesting access this Friday, 10/9, to set out the sampling canisters and again on the following Tuesday, 10/13, to collect those canisters.

I know this may seem like short notice, but in fact we've been trying to connect with you since before Sept. 21st on this issue. The access will not be for long nor be invasive. If you would like to discuss the particulars of this sampling, we are available.

If you believe you cannot consent to provide us with access, please advise me immediately as we'll need to modify our plans accordingly. As you know, Congress has provided us with broad access authorities pursuant to section 104(e) of CERCLA, 42 U.S.C. section 9604(e). I do not mean that to sound threatening, but for it to be merely informative.

Please advise us of your position in this matter.

From: Thomas Stagg [mailto:tstagg@stcwlaw.com]
Sent: Monday, September 28, 2015 8:34 PM
To: Doyle, James
Cc: Gaughan, Daniel ; Wilson, Eric ; Andrew Kazin
Subject: Re: 105 Kisco Avenue

Jim,

Sorry for not getting back to you. Andy mentioned that the two of you had spoken. Also, we were waiting to hear from the client that the radon mitigation system is fully operational, which they confirmed. Thus, we are scheduling another radon test and then will circle back to you.

It was my understanding that EPA was going to share with us the results of its investigation. Kindly forward those results so that we may discuss that with you on the next call.

Thanks.

Tom

Thomas E. Stagg
Stagg, Terenzi, Confusione & Wabnik, LLP

On Sep 28, 2015, at 6:01 PM, Doyle, James <Doyle.James@epa.gov> wrote:

> Mr. Stagg, we were disappointed that we have not heard anything back from you. We understand your tenant has already occupied space on the property, earlier than the Oct. 15th indicated below. We await your response to our request to participate in a call on this matter.

From: Doyle, James
Sent: Monday, September 21, 2015 6:42 PM
To: 'Thomas Stagg' <tstagg@stcwlaw.com>
Cc: Gaughan, Daniel <Gaughan.Daniel@epa.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Andrew Kazin <akazin@stcwlaw.com>
Subject: RE: 105 Kisco Avenue

Mr. Stagg, thank you for the update.

I had called (and spoken to Mr. Kazin) to request a few moments of your time so my client can ask some questions of you all. May we please set up a time when you can spend 15 minutes with us to discuss 105 Kisco?

Please reply to all with your availability. Thx.

From: Thomas Stagg [mailto:tstagg@stcwlaw.com]
Sent: Monday, September 21, 2015 11:42 AM
To: Doyle, James <Doyle.James@epa.gov>
Cc: Gaughan, Daniel <Gaughan.Daniel@epa.gov>; Daly, Eric <Daly.Eric@epa.gov>; Andrew Kazin <akazin@stcwlaw.com>
Subject: 105 Kisco Avenue

Jim,

Please allow this to follow up on your call on Friday with my partner, Andy Kazin. As Andy mentioned, we are waiting on the client to schedule a follow up radon test of the building now that the radon remediation system is in place. We expect to have the results to Dan in the next 10 days. Based on discussions with the client, the tenant is anticipated to occupy the lower level space on or about October 15th. The tenant had expected to be in earlier, but it seems that the start date has been pushed back due to business delays.

Tom

Thomas E. Stagg

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