Message

From: James Bates [jbates@jbateslaw.com]
Sent: 6/5/2019 4:38:45 PM
To: Michael Lebow [mlebow@srllplaw.com]
CC: Castellana, Ben [castellana.ben@epa.gov]; Sonia Soto [sonia@srllplaw.com]; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA [Berman.Tessa@epa.gov]
Subject: Re: 210 W Slauson
Attachments: ATT00001.txt

You are clearly dragging your feet.

On Wed, Jun 5, 2019 at 9:34 AM Michael Lebow <mlebow@srllplaw.com> wrote:

Dear Mr. Bates,

Attached please find BEC's General Liability endorsements. What I am trying to do is clarify whether or not this is sufficient for you and your clients. If for some reason it is not, then we will obviously need to figure out how to move forward. If this coverage language is acceptable, then I will be happy to send back the agreement with redlined changes to Section 9 which cover this policy. Thank you.

Sincerely,

Michael Lebow

Michael Lebow

625 E. Santa Clara Street, Suite 101

Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

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From: James Bates [mailto:jbates@jbateslaw.com]
Sent: Wednesday, June 05, 2019 9:27 AM
To: Michael Lebow
Cc: Castellana, Ben; Sonia Soto; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA
Subject: Re: 210 W Slauson

Please send what you have now!

On Wed, Jun 5, 2019 at 9:24 AM Michael Lebow <mlebow@srllplaw.com> wrote:

Jim,

Please let me know if the insurance document I provided to you Monday was sufficient. I have been awaiting your response to that to determine what can be done about your proposed Section 9. Thanks.

Sincerely,

Michael Lebow

Michael Lebow

625 E. Santa Clara Street, Suite 101

Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

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From: James Bates [mailto:jbates@jbateslaw.com]
Sent: Wednesday, June 05, 2019 9:22 AM
To: Michael Lebow
Cc: Castellana, Ben; Sonia Soto; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA
Subject: Re: 210 W Slauson

Mr. Lebow:

Please provide me with your revisions to the Agreement that I have provided to you.

As of this date, I have not received any revisions from you and assumed (as did others on this email string) that you were in agreement with my proposed revisions.

Jim Bates

On Wed, Jun 5, 2019 at 9:04 AM Michael Lebow <mlebow@srllplaw.com> wrote:

Dear Mr. Bates,

Please get back to me at your earliest opportunity about BEC's insurance coverage so that we can revise your included language in Section 9 of the Access Agreement to get the agreement finalized. Thank you.

Sincerely,

Michael Lebow

Michael Lebow

625 E. Santa Clara Street, Suite 101

Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

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From: Michael Lebow
Sent: Tuesday, June 04, 2019 3:05 PM
To: James Bates
Cc: Castellana, Ben; Ehe, Robert@Waterboards; Sonia Soto; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards
Subject: RE: 210 W Slauson

Dear Mr. Bates,

Please advise about the attached insurance information. I am not concerned about your other requested redlines, but I know this is an issue you guys want resolved. Mr. Bowyer is tentatively set to start the investigation Thursday, so we would like to get this resolved as soon as possible so everything can move forward with the access agreement in place. Thank you.

Sincerely,

Michael Lebow

Michael Lebow

625 E. Santa Clara Street, Suite 101

Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

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From: Michael Lebow
Sent: Monday, June 03, 2019 2:41 PM
To: James Bates
Cc: Castellana, Ben; Ehe, Robert@Waterboards; Sonia Soto; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards
Subject: RE: 210 W Slauson

Dear Mr. Bates,

Please advise if the attached endorsement is sufficient.

Sincerely,

Michael Lebow

Michael Lebow

625 E. Santa Clara Street, Suite 101

Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

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From: James Bates [mailto:jbates@jbateslaw.com]
Sent: Friday, May 31, 2019 2:30 PM
To: Michael Lebow
Cc: Castellana, Ben; Ehe, Robert@Waterboards; Sonia Soto; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards
Subject: Re: 210 W Slauson

Mr. Lebow:

Attached are the following documents:

1. Site Access Agreement which I have REDLINED with my changes;

2. Site Access Agreement CLEAN copy which accepts all my changes.

With regard to the Agreement:

a. I have removed EPA and WaterBoards as a signatory. I assume that SCAQMD will also not be signing. I am not clear is Clean Harbors will be signing either. Please confirm which parties will be signing the agreement otherwise they should be moved down to the last sentence of the first paragraph.

b. Please include the information in paragraph 16 as to where notice should be sent for Devores and BEC.

Please REDLINE any further revisions. If you have any issues to discuss, please call me at your convenience.

Jim Bates

On Fri, May 31, 2019 at 12:54 PM Michael Lebow <mlebow@srllplaw.com> wrote:

> Understood Ben. We can remove the EPA from the signatory line as well. Mr. Bates, do you have any update for us? We really need your clients' acceptance/signature or to know any concerns so that we can move forward with the proposed timeline. Thank you.
>
> Sincerely,

Michael Lebow

Michael Lebow

625 E. Santa Clara Street, Suite 101

Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

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From: Castellana, Ben [mailto:castellana.ben@epa.gov]
Sent: Thursday, May 30, 2019 10:28 AM
To: Michael Lebow
Cc: Ehe, Robert@Waterboards; Sonia Soto; jbates@jbateslaw.com; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards
Subject: Re: 210 W Slauson

Same for EPA; we will be conducting oversight, but we typically do not sign access agreements.

Thank you,

Ben Castellana Ph.D.

On-Scene Coordinator

US EPA Region 9

Superfund Emergency Response

(562) 305-0694

On May 30, 2019, at 9:23 AM, Michael Lebow <mlebow@srllplaw.com> wrote:

> Dear All,
>
> Attached please find the revised agreement removing the Regional Board from the signature page. Mr. Bates, where are we with having the 216 Slauson owners' sign off on this agreement? Thanks.
>
> Sincerely,
>
> Michael Lebow
>
> Michael Lebow
>
> 625 E. Santa Clara Street, Suite 101
>
> Ventura, California 93001
>
> Phone: (805) 658-7800
>
> Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

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From: Ehe, Robert@Waterboards [mailto:Robert.Ehe@waterboards.ca.gov]
Sent: Thursday, May 30, 2019 9:15 AM
To: Michael Lebow; Sonia Soto; jbates@jbateslaw.com
Cc: brettbowyer@bowyerenvironmental.com; castellana.ben@epa.gov; Berman.Tessa@epa.gov; Bill Slaughter; Kevin Heimberg; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards
Subject: RE: 210 W Slauson

Michael,

Regarding the draft Access Agreement prepared by your office for the site, normally we don't sign the access agreement. We ask that our agency be removed from the signature page of this agreement. Regional Board staff will be inspecting the site at the time in which on-site remedial and investigative work is being performed by others, and we will be requesting access at that time. Thank you.

Robert J. Ehe, P.E.

Water Resource Control Engineer

From: Michael Lebow <mlebow@srllplaw.com>
Sent: Wednesday, May 29, 2019 12:14 PM
To: Sonia Soto <sonia@srllplaw.com>; jbates@jbateslaw.com
Cc: brettbowyer@bowyerenvironmental.com; castellana.ben@epa.gov; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov>; Berman.Tessa@epa.gov; Bill Slaughter <slaughter@srllplaw.com>; Kevin Heimberg <kheimberg@srllplaw.com>
Subject: RE: 210 W Slauson
Importance: High

Dear All,

Pursuant to our prior discussions a draft Access Agreement was prepared by our office and circulated to all interested parties on May 8, 2019. We have not been informed of any objections to the proposed agreement. However, we have also not received executed copies of the agreement. We would like to get this agreement finalized and in place so that we can proceed as discussed in our meeting of May 3, 2019. Please advise as to status. If you have any questions or concerns, please do not hesitate to contact us. Thank you.

Sincerely,

Michael Lebow

Michael Lebow

625 E. Santa Clara Street, Suite 101

Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

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From: Sonia Soto
Sent: Wednesday, May 08, 2019 4:19 PM
To: jbates@jbateslaw.com
Cc: brettbowyer@bowyerenvironmental.com; castellana.ben@epa.gov; Robert.Ehe@waterboards.ca.gov; Berman.Tessa@epa.gov; Bill Slaughter; Kevin Heimberg
Subject: 210 W Slauson

Attached please find the Access Agreement. Please review and if it meets with your approval, please execute and return. Thank you.

<image002.jpg>

Sonia Soto

Assistant to Michael B. Lebow and Kevin J. Heimberg

625 E. Santa Clara Street, Suite 101

Ventura, California 93001

Phone: (805) 658-7800 Ext. 118

Facsimile: (805) 644-2131

Email: sonia@srllplaw.com

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<216 Slauson Access Agreement.5.30.19.pdf>

--

Jim Bates

Law Offices Of James W. Bates,

A Professional Corporation

1055 E. Colorado Blvd., 5th Floor

Pasadena, California 91106-2327

818-248-1911 voice

www.jbateslaw.com

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--

Jim Bates

Law Offices Of James W. Bates,

A Professional Corporation

1055 E. Colorado Blvd., 5th Floor

Pasadena, California 91106-2327

818-248-1911 voice

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Jim Bates

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