Message

From: Michal Haynes [mhaynes@aqmd.gov]
Sent: 10/3/2019 10:21:04 PM
To: George Pondella [GPondella@rossmoyneinc.com]
CC: Brett Bowyer [brettbowyer@bowyerenvironmental.com]; Castellana, Ben [castellana.ben@epa.gov]; Michael Lebow [mlebow@srllplaw.com]; James Bates [jbates@jbateslaw.com]; BERMAN, TESSA [Berman.Tessa@epa.gov]; Ehe, Robert@Waterboards [Robert.Ehe@waterboards.ca.gov]; Tobias, Rod [Rod.Tobias@westonsolutions.com]; Alan Malagon [alanmalagon@bowyerenvironmental.com]; Zachary Gilmer [zachgilmer@gmail.com]
Subject: Re: FPN E19902 Slauson Tanker Fire - Update on Grading Permit

Pls call Mr. Charlie Tupac at 909-396-2000

Sent from my iPhone

> On Oct 3, 2019, at 2:42 PM, George Pondella <GPondella@rossmoyneinc.com> wrote:
>
> Dig Alert for your use.
>
> GEORGE PONDELLA
>
> Rossmoyne, Inc.
> 3500 Ocean View Boulevard
> Glendale, CA 91208
>
> O: 818.249.8397
> M: 818.207.5661
>
> www.rossmoyneinc.com
> @rossmoyneinc
>
> -----Original Message-----
> From: Brett Bowyer [mailto:brettbowyer@bowyerenvironmental.com]
> Sent: Thursday, October 03, 2019 8:55 AM
> To: Michal Haynes <mhaynes@aqmd.gov>
> Cc: Castellana, Ben <castellana.ben@epa.gov>; Michael Lebow <mlebow@srllplaw.com>; George Pondella <GPondella@rossmoyneinc.com>; James Bates <jbates@jbateslaw.com>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov>; Tobias, Rod <Rod.Tobias@westonsolutions.com>; Alan Malagon <alanmalagon@bowyerenvironmental.com>; Zachary Gilmer <zachgilmer@gmail.com>
> Subject: RE: FPN E19902 Slauson Tanker Fire - Update on Grading Permit
>
> Thank you for the clarifications Mr. Haynes. We will be preparing the R1166 site specific plan and submit it as soon as possible. As you likely recall we conducted an asbestos survey at 210 W, Slauson on April 24, 2019 per the Notice to Comply dated April 18, 2019 (Notice F10153). This report was sent to Mr. Deryck Roberts at South Coast AQMD on April 26, 2019 and none of the tested samples on the 210 W, Slauson property were found to contain detectable levels of asbestos.
>
> Our understanding is that the need for the asbestos survey and (if necessary) abatement are related to the existing structure at 216 Slauson. It is also our understanding that Mr. Bates and Mr. Pondella, who represent the owner of the 216 Slauson property (the Solis Family) are in the processes of addressing these issues directly with the South Coast AQMD.
>
> Thank you.
>
>
> Brett Bowyer, P.G.
>
> 17011 Beach Boulevard, Suite 900
> Huntington Beach, CA 92647
> Office: (877) 232-4620 Ext. 101
> Cell: (714) 878-7191
> FAX: (714)494-1912
>
> To send large files to Brett Bowyer through the BEC drop box click on the following link:
>
> https://spaces.hightail.com/uplink/BECdropbox
>
>
> PRIVILEGED AND CONFIDENTIAL
> This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient(s). All information transmitted hereby is intended solely for the viewing and use of the addressee(s) named above. If you are not the intended recipient or the employee

or agent responsible for delivering the message to the intended recipient(s), please note that any further reading, printing, copying or other distribution of this message is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or reply e-mail and delete the message from your e-mail system.
>
> To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.
>
> -----Original Message-----
> From: Michal Haynes <mhaynes@aqmd.gov>
> Sent: Thursday, October 3, 2019 8:20 AM
> To: Brett Bowyer <brettbowyer@bowyerenvironmental.com>
> Cc: Castellana, Ben <castellana.ben@epa.gov>; Michael Lebow <mlebow@srllplaw.com>; George Pondella <GPondella@rossmoyneinc.com>; James Bates <jbates@jbateslaw.com>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov>; Tobias, Rod <Rod.Tobias@westonsolutions.com>; Alan Malagon <alanmalagon@bowyerenvironmental.com>; Zachary Gilmer <zachgilmer@gmail.com>
> Subject: Re: FPN E19902 Slauson Tanker Fire - Update on Grading Permit
>
> Mr. Bowyer, just to clarify South Coast AQMD requirements for this site:
> 1. Per R1166-the agency confirmed that a R1166 Site specific plan will be required because of the proximity to a school.
> 2. Per R1403-the agency confirmed that an Asbestos survey, and if positive for ACM, a Asbestos abatement notification will be required.
> 3. Per R1403-the agency confirmed if any structure is to be demolished, a Demo notification must be filed with the agency.
> Any questions call 9093962369.
>
> Thanks
>
> Sent from my iPhone
>
>> On Oct 2, 2019, at 5:32 PM, Brett Bowyer <brettbowyer@bowyerenvironmental.com> wrote:
>>
>> Greetings,
>>
>> We were able to get a City of LA permit application number for the grading at 210 Slauson today (19030-10000-06374). See the attached receipt for the permit application. A plan checker is being assigned and we will pas along the name of the plan checker as soon as we have it (probably Friday). According to the info we received today, they estimate a 4 to 6 week turnaround for the permit.
>>
>> Please note that they would not allow us to start the application process for 216 Slauson until after they have confirmed that the building has been removed. Currently we are in a holding period on the demo permit application until the 30 day NOI period has expired (October 6th). It is our understanding that on October 7th, the demo permit application can be submitted. George may have more info on timing associated with the demo permit approval, but it may also be a 4 to 6 week process.
>>
>> So under the worst case scenario, we might not be able to get our permit for 216 grading until new year 2020 (12 weeks after October 7). As shown on the attached there is also some form of a code violation notice (Hector Rodriguez). I suspect that this violation was issued by the city in association with the original explosion, given the date referenced (03-27-19). It states that an investigation fee (minimum of $400) is due or double the permit fee, whichever is greater. This will need to be addressed In order for the permit for 210 Slauson to be issued.
>>
>> As soon as we have the name of the plan checker, we will relay it to the team. Any help on accelerating this process with the City will be greatly appreciated.
>>
>> Thank you.
>>
>>
>> Brett Bowyer, P.G.
>> [Bowyer-logo-options_Smaller for Email]
>> 17011 Beach Boulevard, Suite 900
>> Huntington Beach, CA 92647
>> Office: (877) 232-4620 Ext. 101
>> Cell: (714) 878-7191
>> FAX: (714)494-1912
>>
>> To send large files to Brett Bowyer through the BEC drop box click on the following link:
>>
>> https://spaces.hightail.com/uplink/BECdropbox
>>
>>
>> PRIVILEGED AND CONFIDENTIAL
>> This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient(s). All information transmitted hereby is intended solely for the viewing and use of the addressee(s) named above. If you are not the intended recipient or the employee

or agent responsible for delivering the message to the intended recipient(s), please note that any further reading, printing, copying or other distribution of this message is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or reply e-mail and delete the message from your e-mail system.
>>
>> To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.
>>
>> From: Brett Bowyer
>> Sent: Tuesday, October 1, 2019 5:18 PM
>> To: Castellana, Ben <castellana.ben@epa.gov>; Michael Lebow <mlebow@srllplaw.com>; George Pondella <GPondella@rossmoyneinc.com>
>> Cc: James Bates <jbates@jbateslaw.com>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov>; Michal Haynes <mhaynes@aqmd.gov>; Tobias, Rod <Rod.Tobias@WestonSolutions.com>; Alan Malagon <alanmalagon@bowyerenvironmental.com>; Zachary Gilmer <zachgilmer@gmail.com>
>> Subject: RE: FPN E19902 Slauson Tanker Fire - Technical Conference Call
>>
>> Hi Ben,
>>
>> At this point, the issues with the longest potential lead time and uncertainty are probably associated with:
>>
>>
>> 1. Building Demolition at 216 Slauson – Is asbestos and lead present? Will mitigation impact the schedule?
>> 2. Acquisition of the Grading Permits - We have a draft plan that we will be walking through with the City tomorrow. Hopefully we will have a better handle on the permit schedule and contact info /permit number that we can relay to you tomorrow.
>>
>> Once we get these issues squared away, we should be able to produce a schedule with a reasonable degree of confidence.
>>
>> We will let you know what we find out regarding the grading permit tomorrow.
>>
>> Thanks.
>>
>> Brett Bowyer, P.G.
>> [Bowyer-logo-options_Smaller for Email]
>> 17011 Beach Boulevard, Suite 900
>> Huntington Beach, CA 92647
>> Office: (877) 232-4620 Ext. 101
>> Cell: (714) 878-7191
>> FAX: (714)494-1912
>>
>> To send large files to Brett Bowyer through the BEC drop box click on the following link:
>>
>> https://spaces.hightail.com/uplink/BECdropbox
>>
>>
>> PRIVILEGED AND CONFIDENTIAL
>> This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient(s). All information transmitted hereby is intended solely for the viewing and use of the addressee(s) named above. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any further reading, printing, copying or other distribution of this message is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or reply e-mail and delete the message from your e-mail system.
>>
>> To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.
>>
>> From: Castellana, Ben <castellana.ben@epa.gov<mailto:castellana.ben@epa.gov>>
>> Sent: Tuesday, October 1, 2019 1:47 PM
>> To: Brett Bowyer <brettbowyer@bowyerenvironmental.com<mailto:brettbowyer@bowyerenvironmental.com>>; Michael Lebow <mlebow@srllplaw.com<mailto:mlebow@srllplaw.com>>; George Pondella <GPondella@rossmoyneinc.com<mailto:GPondella@rossmoyneinc.com>>
>> Cc: James Bates <jbates@jbateslaw.com<mailto:jbates@jbateslaw.com>>; BERMAN, TESSA <Berman.Tessa@epa.gov<mailto:Berman.Tessa@epa.gov>>; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov<mailto:Robert.Ehe@waterboards.ca.gov>>; Michal Haynes <mhaynes@aqmd.gov<mailto:mhaynes@aqmd.gov>>; Tobias, Rod <Rod.Tobias@WestonSolutions.com<mailto:Rod.Tobias@WestonSolutions.com>>
>> Subject: RE: FPN E19902 Slauson Tanker Fire - Technical Conference Call
>>

>> Thank you, Brett, and Michael Haynes as well.
>>
>> I would like to put together a realistic timeline for the removal process, preferably one that has the soil removal completed before the rainy season begins (circa late November). Please keep me in the loop about permit issues, especially with the City of LA, as their Stormwater Division can help put things on the front burner.
>>
>> George Pondella, please reach out to Michael Haynes at your earliest convenience, and let me know when you are ready to demo the structure.
>>
>> Thank you all for your effort and input. Please reach out with any issues; sooner is better than later at this point.
>>
>> Sincerely,
>>
>>
>> Ben Castellana, Ph.D.
>> On-Scene Coordinator
>> US EPA Region 9
>> Superfund Emergency Response
>> (562) 305-0694 cell
>>
>>
>>
>>
>>
>> From: Brett Bowyer <brettbowyer@bowyerenvironmental.com<mailto:brettbowyer@bowyerenvironmental.com>>
>> Sent: Tuesday, October 1, 2019 1:22 PM
>> To: Michael Lebow <mlebow@srllplaw.com<mailto:mlebow@srllplaw.com>>; George Pondella <GPondella@rossmoyneinc.com<mailto:GPondella@rossmoyneinc.com>>; Castellana, Ben <castellana.ben@epa.gov<mailto:castellana.ben@epa.gov>>
>> Cc: James Bates <jbates@jbateslaw.com<mailto:jbates@jbateslaw.com>>; BERMAN, TESSA <Berman.Tessa@epa.gov<mailto:Berman.Tessa@epa.gov>>; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov<mailto:Robert.Ehe@waterboards.ca.gov>>; Michal Haynes <mhaynes@aqmd.gov<mailto:mhaynes@aqmd.gov>>
>> Subject: RE: FPN E19902 Slauson Tanker Fire - Technical Conference Call
>>
>> Greetings,
>>
>> Mr. Haynes of the SCAQMD called me today to discuss the project, as he was out all of last week. Some of the primary points covered during my call with him are summarized as follows.
>>
>>
>> 1. Status of Rule 1166 Permit – Mr. Haynes indicated that as we are planning on excavating far less than 2,000 cubic yards he believed that we do not need a site-specific permit and a valid Various Location permit would likely be sufficient. Mr. Haynes requested a copy of the Various Location Permit be sent to him once we have made a final selection of contractors. Once we have made our final contractor selection, Mr. Haynes recommended that we have a call to go over the Rule 1166 requirements. We agree with this recommendation and will set up the call. I explained that in addition to the normal Rule 1166 monitoring, we plan on doing upwind and downwind particulate and VOC monitoring throughout the excavation program. In addition, we plan on monitoring benzene levels at the excavation face in addition to the standard PID measurements. Mr. Haynes referred us to Rule 1466 for templates and examples on particulate monitoring that we can utilize. As a school is located within 1,000 feet, Mr. Haynes recommended that we prepare a notification sheet and take it by hand to the Principals office in advance of the planned excavation. The notification sheet will include contact information for BEC so that the school can call us directly in case there is an odor issue, so that it can be mitigated right away.
>> 2. Demo of House at 216 Slauson – Mr. Haynes would like to have representatives of the Solis family call him to discuss pre-demo requirements. He mentioned the need for an asbestos survey and a demolition notice. Mr. Haynes and representatives of the Solis family (Mr. Bates and Mr. Pondella) are all copied on this email so that they have contact information for one another.
>> 3. Additional Team Calls – Mr. Haynes recommended at least one more team call prior to begging the filed work. We will continue to copy Mr. Haynes on team meeting requests.
>>
>> If I missed any important details, please feel free to add or modify the above summary.
>>
>> Thank you.
>>
>> Brett Bowyer, P.G.
>> [Bowyer-logo-options_Smaller for Email]
>> 17011 Beach Boulevard, Suite 900
>> Huntington Beach, CA 92647
>> Office: (877) 232-4620 Ext. 101
>> Cell: (714) 878-7191
>> FAX: (714)494-1912
>>
>> To send large files to Brett Bowyer through the BEC drop box click on the following link:
>>
>> https://spaces.hightail.com/uplink/BECdropbox

>>
>>
>> PRIVILEGED AND CONFIDENTIAL
>> This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient(s). All information transmitted hereby is intended solely for the viewing and use of the addressee(s) named above. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any further reading, printing, copying or other distribution of this message is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or reply e-mail and delete the message from your e-mail system.
>>
>> To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.
>>
>> From: Michael Lebow <mlebow@srllplaw.com<mailto:mlebow@srllplaw.com>>
>> Sent: Wednesday, September 25, 2019 12:05 PM
>> To: George Pondella <GPondella@rossmoyneinc.com<mailto:GPondella@rossmoyneinc.com>>; Castellana, Ben <castellana.ben@epa.gov<mailto:castellana.ben@epa.gov>>; Brett Bowyer <brettbowyer@bowyerenvironmental.com<mailto:brettbowyer@bowyerenvironmental.com>>
>> Cc: James Bates <jbates@jbateslaw.com<mailto:jbates@jbateslaw.com>>; BERMAN, TESSA <Berman.Tessa@epa.gov<mailto:Berman.Tessa@epa.gov>>; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov<mailto:Robert.Ehe@waterboards.ca.gov>>; Michal Haynes <mhaynes@aqmd.gov<mailto:mhaynes@aqmd.gov>>
>> Subject: RE: FPN E19902 Slauson Tanker Fire - Technical Conference Call
>>
>> Dear All,
>>
>> I have a morning deposition out of the office tomorrow. I am hopeful that it will be concluded before 2:00 p.m. and I will be available to make the call. However, there is a chance I will be engaged and unavailable.
>>
>> Sincerely,
>>
>> Michael Lebow
>>
>> [cid:image006.jpg@01D5786E.16F07250]
>> Michael Lebow
>> 625 E. Santa Clara Street, Suite 101
>> Ventura, California 93001
>> Phone: (805) 658-7800<tel:%28805%29%20658-7800>
>> Facsimile: (805) 644-2131<tel:%28805%29%20644-2131>
>>
>> Email: lebow@srllplaw.com<mailto:lebow@srllplaw.com>
>> Website: http://www.srllplaw.com<http://www.srllplaw.com/>
>>
>> P GO GREEN: Please consider the environment before you print.
>> NOTICE IS HEREBY GIVEN that this office does not accept ex parte notice via email and does not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format unless consent to such service is given and is given expressly. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format.
>>
>> CONFIDENTIALITY NOTICE: The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately at (805) 658-7800<tel:%28805%29%20658-7800>. Thank you.
>>
>>
>>
>> From: George Pondella <GPondella@rossmoyneinc.com<mailto:GPondella@rossmoyneinc.com>>
>> Sent: Wednesday, September 25, 2019 10:12 AM
>> To: Castellana, Ben <castellana.ben@epa.gov<mailto:castellana.ben@epa.gov>>; Brett Bowyer (brettbowyer@bowyerenvironmental.com<mailto:brettbowyer@bowyerenvironmental.com>) <brettbowyer@bowyerenvironmental.com<mailto:brettbowyer@bowyerenvironmental.com>>
>> Cc: James Bates <jbates@jbateslaw.com<mailto:jbates@jbateslaw.com>>; Michael Lebow <mlebow@srllplaw.com<mailto:mlebow@srllplaw.com>>; BERMAN, TESSA <Berman.Tessa@epa.gov<mailto:Berman.Tessa@epa.gov>>; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov<mailto:Robert.Ehe@waterboards.ca.gov>>; Michal Haynes <mhaynes@aqmd.gov<mailto:mhaynes@aqmd.gov>>
>> Subject: RE: FPN E19902 Slauson Tanker Fire - Technical Conference Call
>>
>> Tomorrow, Thursday, at 2:00PM for conference call works for me.
>>
>> Thanks,
>>

>> GEORGE PONDELLA
>> _____
>> Rossmoyne, Inc.
>> 3500 Ocean View Boulevard
>> Glendale, CA 91208
>>
>> O: 818.249.8397
>> M: 818.207.5661
>>
>> www.rossmoyneinc.com<http://www.rossmoyneinc.com/>
>> @rossmoyneinc
>>
>> From: Castellana, Ben [mailto:castellana.ben@epa.gov]
>> Sent: Wednesday, September 25, 2019 9:26 AM
>> To: George Pondella <GPondella@rossmoyneinc.com<mailto:GPondella@rossmoyneinc.com>>; Brett Bowyer (brettbowyer@bowyerenvironmental.com<mailto:brettbowyer@bowyerenvironmental.com>) <brettbowyer@bowyerenvironmental.com<mailto:brettbowyer@bowyerenvironmental.com>>
>> Cc: James Bates <jbates@jbateslaw.com<mailto:jbates@jbateslaw.com>>; Michael Lebow <mlebow@srllplaw.com<mailto:mlebow@srllplaw.com>>; BERMAN, TESSA <Berman.Tessa@epa.gov<mailto:Berman.Tessa@epa.gov>>; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov<mailto:Robert.Ehe@waterboards.ca.gov>>; Michal Haynes <mhaynes@aqmd.gov<mailto:mhaynes@aqmd.gov>>
>> Subject: FPN E19902 Slauson Tanker Fire - Technical Conference Call
>>
>> Hi All,
>> It appears that we are moving forward with plans and permits for the soil removal at 210 and 216 W. Slauson. I want to make sure we are effectively coordinating efforts to ensure that the project elements dovetail effectively and in a timely manner. Let's have a conference call in the next couple of days – I suggest 2 PM tomorrow (Thursday, September 26), but please let me know otherwise. I think it's most important that Mr. Pondella and Mr. Bowyer coordinate, but it would be good to have LARWQCB and SCAQMD on the call. Legal counsel can be present, but please remember that this is a technical meeting.
>>
>> Agenda to include:
>>
>> * Workplan status
>> * Permits – what permits are needed and how to expedite
>> * Demolition of red-tagged structure at 216 W. Slauson
>> * Monitoring
>> * Crawlspace screening/sampling for benzene at adjacent residences
>>
>> I welcome input to this agenda regarding other technical issues, but there will be no discussions about damages, liability, cost recovery, or any other enforcement elements.
>>
>> Brett Bowyer has offered his conference line, and will send out an invite following this message. Please respond quickly so we can plan accordingly.
>>
>> Sincerely,
>>
>> Ben Castellana, Ph.D.
>> On-Scene Coordinator
>> US EPA Region 9
>> Superfund Emergency Response
>> (562) 305-0694 cell
>>
>> <image004.jpg>
>> <image005.jpg>
>> <image006.jpg>
>> <image002.jpg>
>> <100219_210 Slauson Ave grading application.pdf>
> <20191003145521577.pdf>