Message

Ex. 5 Attorney Client (AC)

From: Benjamin, Deborah <Benjamin.Deborah@epa.gov>
Sent: Wednesday, March 29, 2023 1:59 PM
To: yoontack kim <recytechusa@gmail.com>
Cc: Jones, Christopher E <Jones.ChristopherE@epa.gov>
Subject: RE: URGENT-your response to EPA is overdue

Mr. Kim- That sounds great. Thanks for the update.

From: yoontack kim <recytechusa@gmail.com>
Sent: Wednesday, March 29, 2023 12:58 PM
To: Benjamin, Deborah <Benjamin.Deborah@epa.gov>
Cc: Jones, Christopher E <Jones.ChristopherE@epa.gov>
Subject: Re: URGENT-your response to EPA is overdue

Hi Deborah,

Thank you for your prompt response.
I will have them ready by this week.
Also I will contact insurance company to claim bills.
I just want to make sure that I am doing right way.
Once I contact insurance company, I will update you.

Thanks.

On Wed, Mar 29, 2023, 10:16 AM Benjamin, Deborah <Benjamin.Deborah@epa.gov> wrote:

Good morning Mr. Kim:

Thank you for sending the insurance policies, lease agreement, and the narrative answers to EPA's Information Request dated 2/23/23.

We have not yet received your narrative response to EPA's first Information Request dated December 8, 2022, that was directed to Han Metal (referenced in the email chain below). As I explained when we spoke by phone several weeks ago, EPA needs the answers to those questions also as they are different and seek information about your customers and shipping records. The extension that EPA agreed to for your submissions (this Friday, 3/31/23), includes those overdue responses as well. Are you on track to submit them this week?

Regarding your insurance, EPA can not make a claim on your insurance policies, only you can do that. When we spoke by phone several weeks ago you said that you were waiting for EPA's bill and that you were planning to forward it to your insurance company. At this point you have received EPA's demand letter dated 3/14/23. You should submit that to your insurance company and find out what else they need from you to file an insurance claim for EPA's costs responding to the fire at your facility.

If you would like to discuss any of this please reply to this email and we can set up a time to talk by phone. We appreciate your cooperation and look forward to working with you. Thanks.

From: yoontack kim <recytechusa@gmail.com>
Sent: Tuesday, March 28, 2023 5:13 PM

To: Benjamin, Deborah <Benjamin.Deborah@epa.gov>
Subject: Re: URGENT-your response to EPA is overdue

Hi Deborah,

This is Yoon Kim.

While I am preparing the documents, I have received a letter from the Landlord.

I honestly do not understand how it works.

I have insurance for Han Metal USA and Recytech USA.

Thus, can you claim the expenses to the insurance company?

Both companies have $1,000,000 coverage of accidental damage including fire.

I thought the EPA will claim through the insurance company

Please advise me.

I will send all the information in a separate email.

Thanks

Best Regards,

On Wed, Jan 25, 2023 at 4:39 PM Benjamin, Deborah <Benjamin.Deborah@epa.gov> wrote:

> Good afternoon Mr. Kim:
>
> This is let you know that your submission of financial information for Han Metal was only a partial response to EPA's information Request letter, and your written responses to EPA's numbered questions are overdue. Please let us know why EPA has not received your written response and when we can expect it.

As stated in the cover letter to EPA's Information Request, compliance with the Information Request is mandatory, and failure to truthfully respond within **30 calendar days** of receipt can result in enforcement against you and your company pursuant to CERCLA.

Due to the legal ramifications of your failure to fully respond please contact me asap. Thank you for your immediate attention to this important matter.

Deborah S. Benjamin, Esq.

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