From:	Deborah Hilsman
To:	sue@rhsmith.com
Cc:	Michael Chun; Rob Rau
Subject:	Re: Smitty's AOC Missed Deadline
Date:	08/19/2010 12:40 PM

Sue,

This follows-up on Rob Rau's conversation with you and your consultant, Mike Chun, earlier this week concerning the missed deadline for submitting a proposed Corrective Action Plan for EPA's approval as required in paragraph 6.2 of the Administrative Order on Consent ("AOC" or "Order"). As Rob has informed you, Carlo Bertani has left EPA and Rob has taken Carlo's place as the EPA Project Coordinator for the AOC. All notifications and submissions to EPA should now be sent to Rob and paragraph 15.1 of the AOC should be revised to reflect the following contact information for him:

Rob Rau, LUST Coordinator
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit; UST/LUST Program
1200 6th Avenue, Suite 900, OCE-082
Seattle, WA 98101
206-553-6285
rau.rob@epa.gov

As indicated in paragraph 6.2 of the AOC, you were required to submit a Corrective Action Plan ("CAP") for EPA approval within 120 days of the effective date of the Order. The effective date of the Order was April 19, 2010, and therefore, the CAP was due on August 16, 2010. Rob indicates from his discussions with you and Mike Chun, that there may be legitimate reasons for the delay in submitting the CAP and EPA is willing to consider a revised schedule, but in order to do so, we need the following information from you. By Monday, August 23rd, please email to Rob and copy me on the email the following information:

1) a brief description of the current status of the project
2) your planned next step forward
3) a tentative schedule for submitting the CAP to EPA for approval

As you are aware, paragraph 16.1 of the AOC describes the stipulated penalties that EPA can demand for failure to comply with any term or condition of the AOC. At this time, EPA is more concerned with having the work completed in the timely manner. Paragraph 22.1 of the AOC allows the parties to mutually agree to modifications of the AOC, but EPA must receive information to support any modification and, in the future, we want to receive advance notification that a due date will not be met along with the reasons why. For now, providing the information listed above in a timely manner is imperative.

Please contact Rob or me with questions. We look forward to receiving your response by Monday, August 23rd.

Deborah E. Hilsman
Assistant Regional Counsel