

RECEIVED

AUG 05 2013

CITY CLERK

THE

DUGGINS LAW FIRM , LLC

August 1, 2013

City of St. Paul
Office of the City Council
310 City Hall 15 West Kellogg Blvd.
St. Paul, MN 55102

RE: 315 Larch Street
Assessment: 132006
File Number: J1307C

Dear Sir/Madam::

I am following up on the letter I sent July 3, 2013 regarding missing documents involved in the above matter. We received your letter of July 25th indicating that all information is posted to the city's Website. We have been unable to find the supporting documentation for the assessment amount. While we were given the total assessment amount and the copies of invoices from J&J Contracting to Buberl, the documents supporting those fees and costs have not been provided. While we understand there were costs associated with the cleanup of this property, we believe the amount assessed is overly excessive.

It is our belief that much of the material at 315 Larch was taken by J&J Contracting and Buberl and sold for scrap and at 6 or more auctions. The materials removed were required to be documented through manifests of how these items were disposed of. These manifests have not been received. It is further believed that either J&J distributors and/or Buberl received the money from the sale of these items. It is believed that the alleged emergency hazardous waste removal was both falsified by J & J Contracting and was caused by the improper handling of the materials. Finally, it is believed that the amount paid to the workers at \$70 per hour is extremely excessive as well. We believe the average payment to these types of workers is \$45 per hour or less.

As you can see, there are numerous missing documents from J&J Contracting and Buberl for the work that was done on this property. I am once again asking for the supporting documents for this

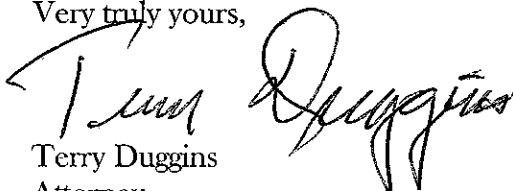
billing as these are documents that are kept in the normal course of doing these types of projects in the industry.

1. Any and all reports to and/or from Paul Feldman or anyone from the EPA to and/or from Buberl Recycling and J & J Contracting;
2. Any and all manifests;
3. Any and all work plans and/or Health Safety plan reports;
4. Any and all work plans and/or manifests regarding any emergency responses referenced in the invoices submitted by J&J Contracting and/or Buberl;
5. Any and all documents from the EPA regarding this demolition including but not limited to pre-demolition inspection documents, meeting notes, project tracking spreadsheets, inspection forms and procedures;
6. Any and all documentation regarding personnel working the emergency responses reflected in the invoices on 9/7/12, 9/8/12, 9/9/12, and 9/10/12 and any other dates referenced;
7. Any and all documents concerning the mercury clean up from 9/20/12 and any other dates referenced;
8. Any and all documents concerning the testing conducted at this location;
9. Any and all documents from any and all Senior Chemists;
10. Any and all manifests from any and all organizations involved with the transportation of any materials;
11. Any and all records regarding the sale of the capacitors and ballasts;
12. Any and all close out packages indicating the location of the disposed materials;
13. Any and all non-hazardous shipping papers including record of weights and registered scales
14. The EPA identification number and any and all documents submitted and/or received by the EPA in relation to this demolition;
15. And any all documentation regarding the Mercury Cleanup conducted on the property; and
16. Any and all documentation regarding the Hazardous waste Manifestation;

None of these items can be found on the website address you provided to me in your letter of July 25, 2013. In order for me to properly represent my client against this assessment, these documents are vital. If they are not received immediately, we will need to request a change in the date for the Public Hearing.

If you have any questions, please do not hesitate to give me a call.

Very truly yours,


Terry Duggins
Attorney