

NMS: Ev 5 TOCER

07/15

From: Jack Goldberg
To: Cardelia Maupin; Charles Cox; Paul Goldberg
Date: Fri, Jul 25, 2003 7:08 AM
Subject: Re: NY Petition - Neighbors Against Garbage

Atty-Client
Mauborgo

[

] Ex 5
Att-Client

>>> Paul Goldberg 07/24/03 04:33PM >>>
Charlie, Cardelia,

The same communication can contain both an allegation and a petition for enforcement action. I don't know if there is some special treatment that OSTP gives allegations involving performance of an Agreement State program, but there's no reason this letter can't be both if OSTP considers it an allegation according to its procedure.

] NMS: to determine

>>> Cardelia Maupin 07/21/03 09:51AM >>>
Charles,

I looked at Management of Allegations, M.D. 8.8, and it indicated in the definition of an allegation on page 75 of the Handbook in the Glossary section, that matters being considered under a 2.206 petition are excluded from the definition of an allegation. Thus, the allegation process can not be considered at this time since this matter is being reviewed under 2.206.

] STP release

>>> Charles Cox 07/15/03 02:54PM >>>
Cardelia,

Paul Goldberg emailed me and told me I was appointed the Petition Manager for the petition against Radiac Research Corp. in Brooklyn NY. He stated you had the lead for OSTP - do you have the information regarding the licensee and what the state authorizes them to possess? Also are you or have you planned an ARB regarding the petitioners issue with the states performance? Paul states in the email that we should try to combine the ARM and PRB.

] NMS: to determine

CC: Charlotte Abrams; Josephine Piccone; Paul Lohaus; Robert O'Connell

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Pollwin, Ex 5
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