



ENVIRONMENTAL RISK SERVICES CORPORATION

July 12, 2012

Via Electronic Mail Only:
tcarpenter@resolute-ne.com

Ms. Theresa Carpenter
Resolute Management Inc.
New England Division
1000 Washington St.
Boston, MA 02118

Dear Ms. Carpenter:

We received your letter dated May 16, 2012 regarding the above-referenced claim.

In your letter you wrote that you have not yet located the Atlanta International policy but you “will conduct a policy search in an attempt to locate evidence of insurance issued to the City.” We appreciate that you will undertake that search. You also state that you “can undertake no action on this claim until the existence of insurance is proven through satisfactory evidence.” The Atlanta policy was identified in a Settlement Agreement with the City of Benicia concerning a different matter. That Settlement Agreement is conclusive evidence of the Atlanta policy, which identified the policy as follows: “Policy number GLA 02455 issued by ATLANTA INTERNATIONAL to CITY with effective dates of March 3, 1979 through March 3, 1980.” A copy of the Settlement Agreement is enclosed for your reference.

The City is diligently searching its files to determine if there is more information about its insurance coverage. Meanwhile, we believe the insurance company also has an obligation to reconstruct the policy to the extent possible from its underwriting files. Please provide all information about the Hanover policy from those files.

You also requested “information regarding the current status at the site, including information about the meeting held on September 10, 2010 or any subsequent meetings.” I am not aware of any changes in the status of the site after DTSC’s September 15, 2010 letter to the City, which we already provided to you. The City has posted information regarding the clean-up order on its website. I suggest you consult the website for information about the clean-up. Here is a link to the respective webpage:
http://www.ci.benicia.ca.us/index.asp?Type=B_BASIC&SEC={EE025B5A-169D-4F4D-87A9-F00C10B15CD5}

Sincerely;

Mark O'Brien

Cc: Heather McLaughlin, Benicia City Attorney