

**DEPARTMENT OF TRANSPORTATION**

DISTRICT XXX  
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XXXXXXXX, CA 95000-0000  
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June 31, 2008

Ms. Jane Doe, Esq., Attorney-at-law  
Acme Truck Insurance, LLC  
1100 XXXXXXX St., Dep't. 0000  
Des Moines, IA , 50000-0000

RE: Inquiry regarding Hazardous Materials Spill, claim # 123456

Dear Ms. Doe,

This letter is in response to your request for information and legal justifications regarding the hazardous materials spill involving your insured on the date of February 30<sup>th</sup>, 2008, our accident claim number 123456. Specifically, you were inquiring about our legal authority to pursue clean-up operations.

The Department is required, pursuant to various State and Federal Regulations, and in accordance with its own policies and procedures, to maintain the public highways under its jurisdiction in a manner that is safe to the general public and employees. To accomplish this, we are mandated to insure the safe removal of the contaminated soil on the state's Right of Way to ensure the health and safety of the traveling public.

California Title 8, Section 5192 governs the responsibilities of various responders to a hazardous materials site. California Health and Safety (H&S) code §25396 defines and specifies certain actions that must be taken subsequent to a hazardous materials release. In addition, OSHA regulations (29 CFR 1910.120) mandate that clean-up responders to a hazardous materials release be trained to a level to safely and competently respond to and clean up a hazardous materials release. Finally, 49 USC §5101 (et.seq.) contains the Federal statutes regulating Hazardous Materials.

If you have any other questions or concerns, please call me at 916-555-1212. My hours are from 8:00 AM to 9:30 AM, Tuesday, Thursday, and Friday.

Sincerely,

John X Doe,  
Hazardous Materials Manager  
California Department of Transportation.  
(916) 555-1212