

Plunkett, Steven, Env. Health

From: Karl Morthole [karl@mortholelaw.com]
Sent: Tuesday, June 03, 2008 5:05 PM
To: 'Jan A. Greben'; mrdeutsch13@hotmail.com; 'edward w. polson'
Cc: Drogos, Donna, Env. Health; Plunkett, Steven, Env. Health; 'Mark Malinowski'; 'Sharon Fair'; 'Bud Duke'; tdowney@BurnhamBrown.com; 'Jim Roessler'; BBurrowsRE@aol.com
Subject: FW: Crow Canyon Cleaners; DTSC Consultative Agreement
Attachments: Crow Canyon consult agmnt revised 060208.DOC

June 3, 2008

Dear Jan, Martin and Ed:

You need to see this, too. I will call around to see if we can have a conference call among the four parties.

Sincerely,

Karl

Attach. (DTSC Revision)

CC: All those listed above including counsel, clients and agency staff

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From: Bud Duke [mailto:BDuke@dtsc.ca.gov]
Sent: Monday, June 02, 2008 2:48 PM
To: tdowney@BurnhamBrown.com; karl@mortholelaw.com
Cc: donna.drogos@acgov.org; Steven Env. Health Plunkett; Mark Malinowski; Sharon Fair
Subject: Crow Canyon Cleaners; DTSC Consultative Agreement

Mr. Morthole and Mr. Downey.

Please find attached with this e-mail a copy of the revised consultative agreement with comments/edits from DTSC's Office of Legal Council, Ms. Judith Tracy. Judy did provide me with the notes highlighted in *blue*, below. If possible, DTSC would prefer to have this agreement be between one unit/party.

Please forward to me your comments on the revised consultative agreement so that we can finalize.

Thank you, and please contact me if you have any questions.

Bud

Thanks for sending the examples of previous agreements and for clearing up some of the questions I had. Here is a revised version of the draft agreement based on the examples you sent and tailored to Crow Canyon. I added a reference to HSC 25201.9 (our authority for entering into these kinds of agreements) and deleted the language about DTSC stopping work if we exceeded the cost estimate (but added notification language so the applicants could agree to modify the cost estimate or terminate the agreement if they chose).

Still needed is some clarification on the County's role, which can be added to the draft as appropriate. Also, hopefully the six applicants will organize themselves into a working unit for purposes of payments, communications, etc.

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