

Plunkett, Steven, Env. Health

From: Bud Duke [BDuke@dtsc.ca.gov]
Sent: Monday, June 02, 2008 2:48 PM
To: tdowney@BurnhamBrown.com; karl@mortholelaw.com
Cc: Drogos, Donna, Env. Health; Plunkett, Steven, Env. Health; Mark Malinowski; Sharon Fair
Subject: Crow Canyon Cleaners; DTSC Consultative Agreement
Attachments: Crow Canyon consult agmnt revised 060208.DOC

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.

Harold (Bud) Duke, P.G.
Senior Engineering Geologist
Brownfields and Environmental Restoration Department
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826
Phn: (916) 255-3695
Cell: (916) 708-3728
Fax: (916) 255-3734
BDuke@dtsc.ca.gov