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file
Clean up
- Bay Area Drum

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February 2, 1996

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Bay Area Drum Site, San Francisco, California

Dear *De Minimis* Member of the PRP Group:

The following matters are of interest to the *De Minimis* Members of the Group that have executed the Group's *De Minimis* Buy-Out and Indemnity Agreement:

- **Status of the Draft Consent Order.** Enclosed as Attachment A is a copy of a letter from Kevin James of the Attorney General's Office dated January 24, 1996. Also enclosed as Attachment B is a copy of the Consent Order that James enclosed with his letter, and which DTSC now is offering to the members of the Group. In his letter, James announces that if any member of the Group "wishes to accept DTSC's offer, it need only complete the appropriate signature page in the enclosed Consent Order and return it to me within thirty (30) days of this letter." (Letter at 1.) Those that do not do so "will be named as a respondent in a unilateral Imminent and Substantial Endangerment Determination and Order ("ISE Order") to be issued by DTSC for the Site." (Id. at 1-2.)

Neither the Group's Executive Committee nor common counsel is presently prepared to make a recommendation to the Group's members regarding this Consent Order. We are in discussions with James concerning a few provisions that we currently view as unacceptable. However, we want to provide you with this document at this time, and we expect to provide the Group with a recommendation in short order. In the meantime, please review the proposed Consent Order and feel free to call either myself or Nico van Aelstyn if you have any questions.

- **The *De Minimis* Buy-Out and Indemnity Agreement.** Enclosed as Attachment C is a final, executed copy of the Group's *De Minimis* Buy-Out and Indemnity Agreement for your records.

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Please note that an additional member of the Group executed this Agreement late in December.

• **Information to be Provided to Bankers Trust Company.**
Finally, all Group members that participated in the *De Minimis* Agreement -- whether signing as a *De Minimis* Party or as an "Indemnitor" -- are reminded that each of them must provide Bankers Trust with its tax identification number and a contact for mail from Bankers Trust. If your company has not already provided this information, please call Gina Evangelista at Bankers Trust at (212) 250-8319 and do so as soon as possible. Please direct any inquiries regarding this request to Ms. Evangelista.

As always, please do not hesitate to call either myself or Nico van Aelstyn if you have any questions regarding any of the foregoing.

Very truly yours,


Joseph J. Armao

Enclosures

Not included:

* All Attachments

Very large ... can be
Scanned if needed.