

CPPI Co-mingled Plume **Managing Protocol**

PROCESS OBJECTIVES

- Establish a national “best management practice” process to assist in the timely and cost effective resolution of complex offsite contamination matters involving two or more CPPI member companies.
- Reduce potential regulatory and civil liability exposure and associated legal costs
- Provide a flexible frame work that can be tailored to site specific situations
- Protect legal rights of individual companies while providing a constructive process for collectively assessing and addressing co-mingled contamination
- Obtain CPPI member company commitment to follow the protocol, eg signature at senior CPPI committee level
- Include non-CPPI companies that commit to following the protocol

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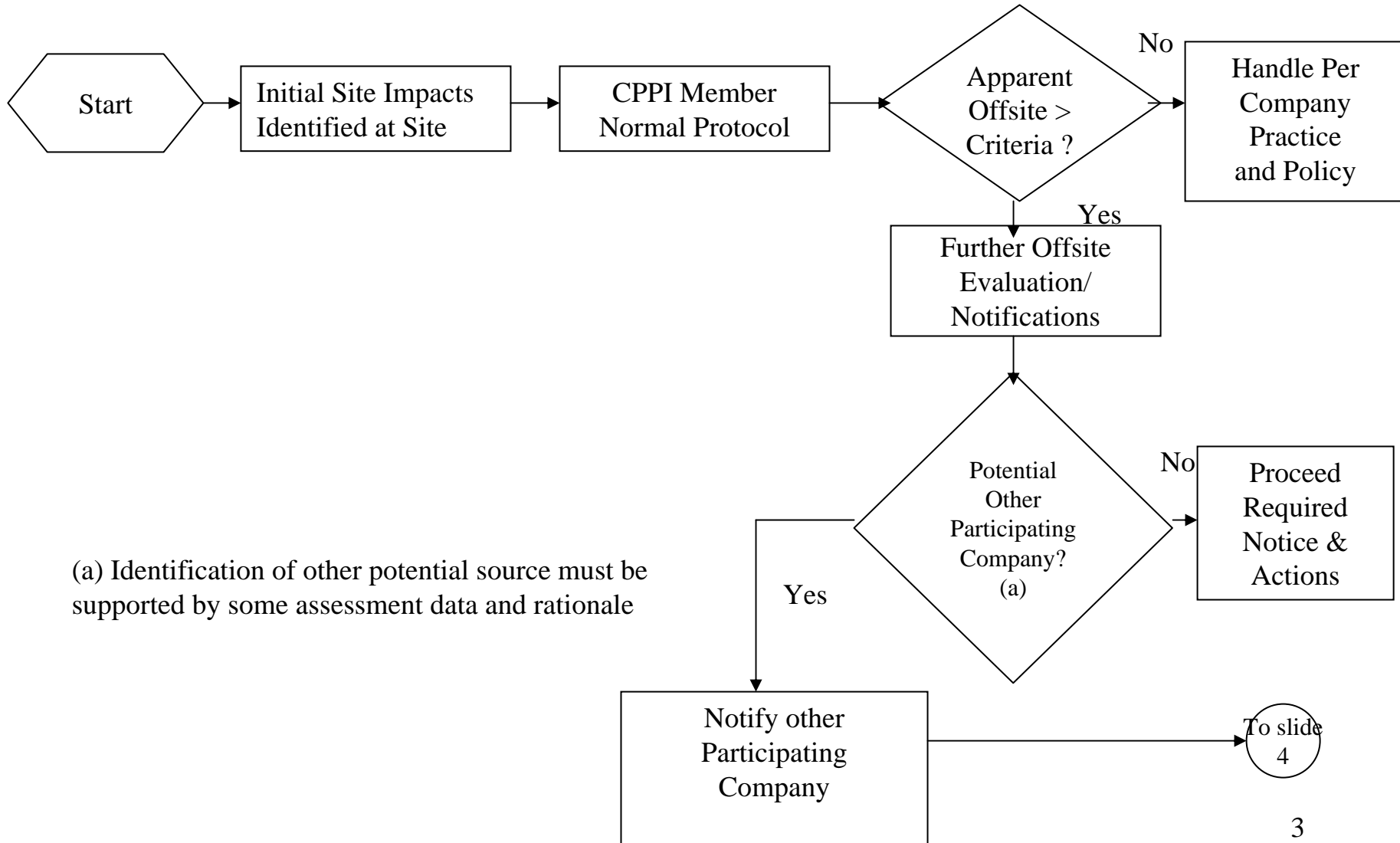
Draft, June 6, 2007

GENERAL PRINCIPLES

- Participating parties will share fully all pertinent information related to the off site and onsite environmental status of subject properties
- Common consultant(s) to be retained as early as possible in the process to allow for “common” set of findings and interpretations.
- Participants will adhere to agreed upon timelines and schedules for completion of agreed upon tasks
- In order to ensure fairness between participating companies over time, participants agree to abide by the protocol under all qualifying circumstances and in all its phases.
- The protocol is intended and designed to facilitate solutions. However, commitment to the protocol generally or participation in the process within the context of a particular matter does not constitute admission of liability by the party or agreement with findings of the consultant.

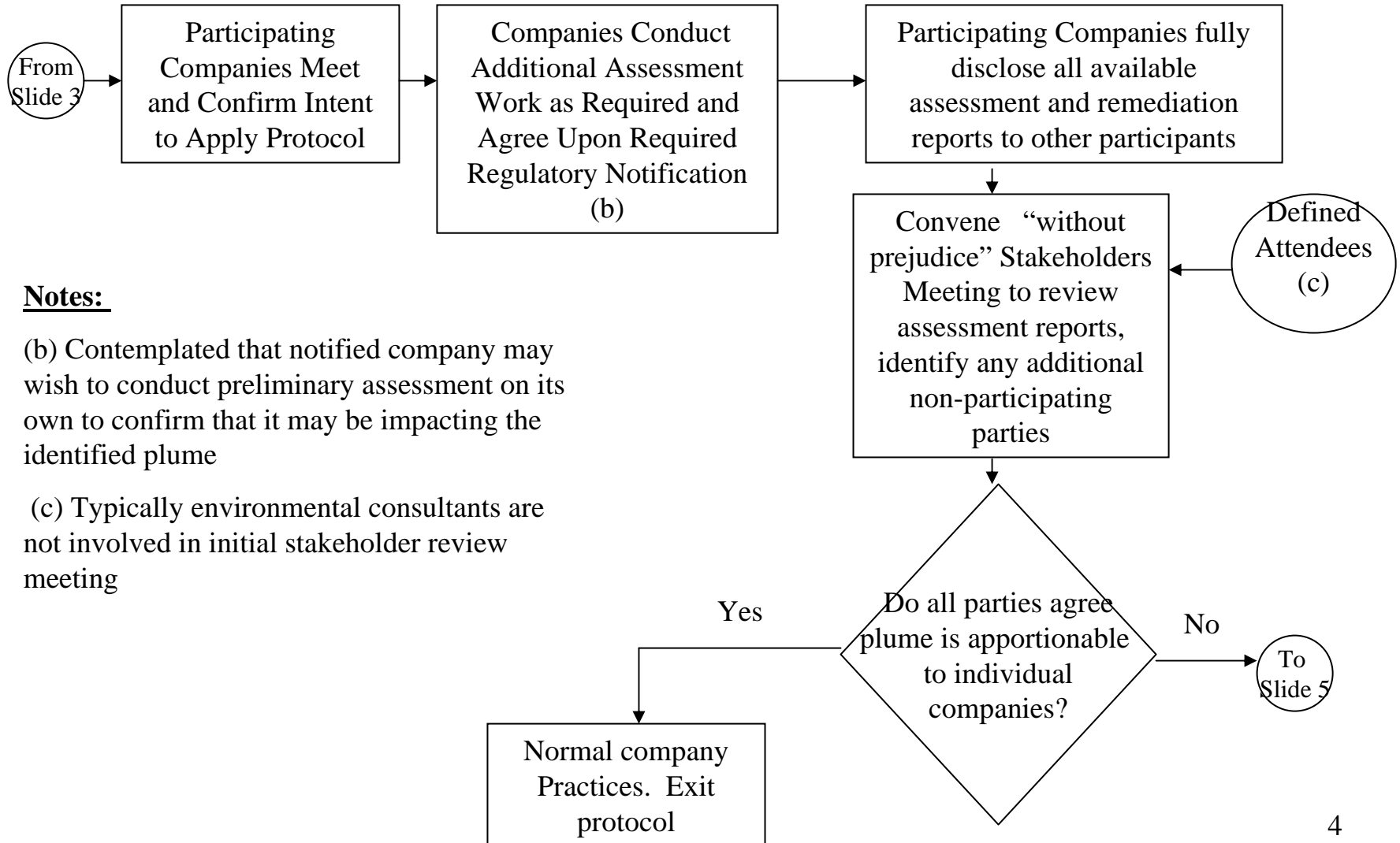
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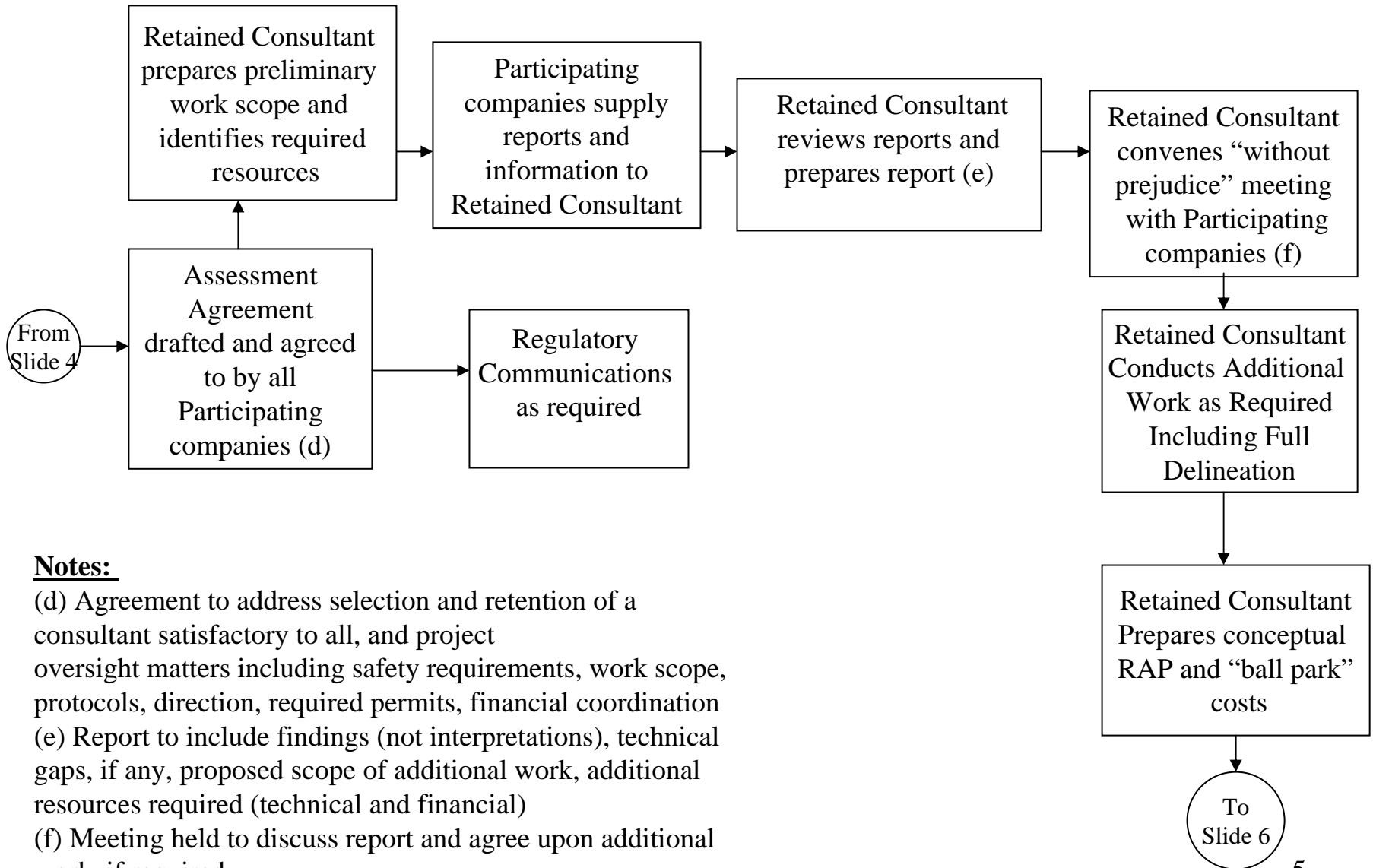
Notes:

(b) Contemplated that notified company may wish to conduct preliminary assessment on its own to confirm that it may be impacting the identified plume

(c) Typically environmental consultants are not involved in initial stakeholder review meeting

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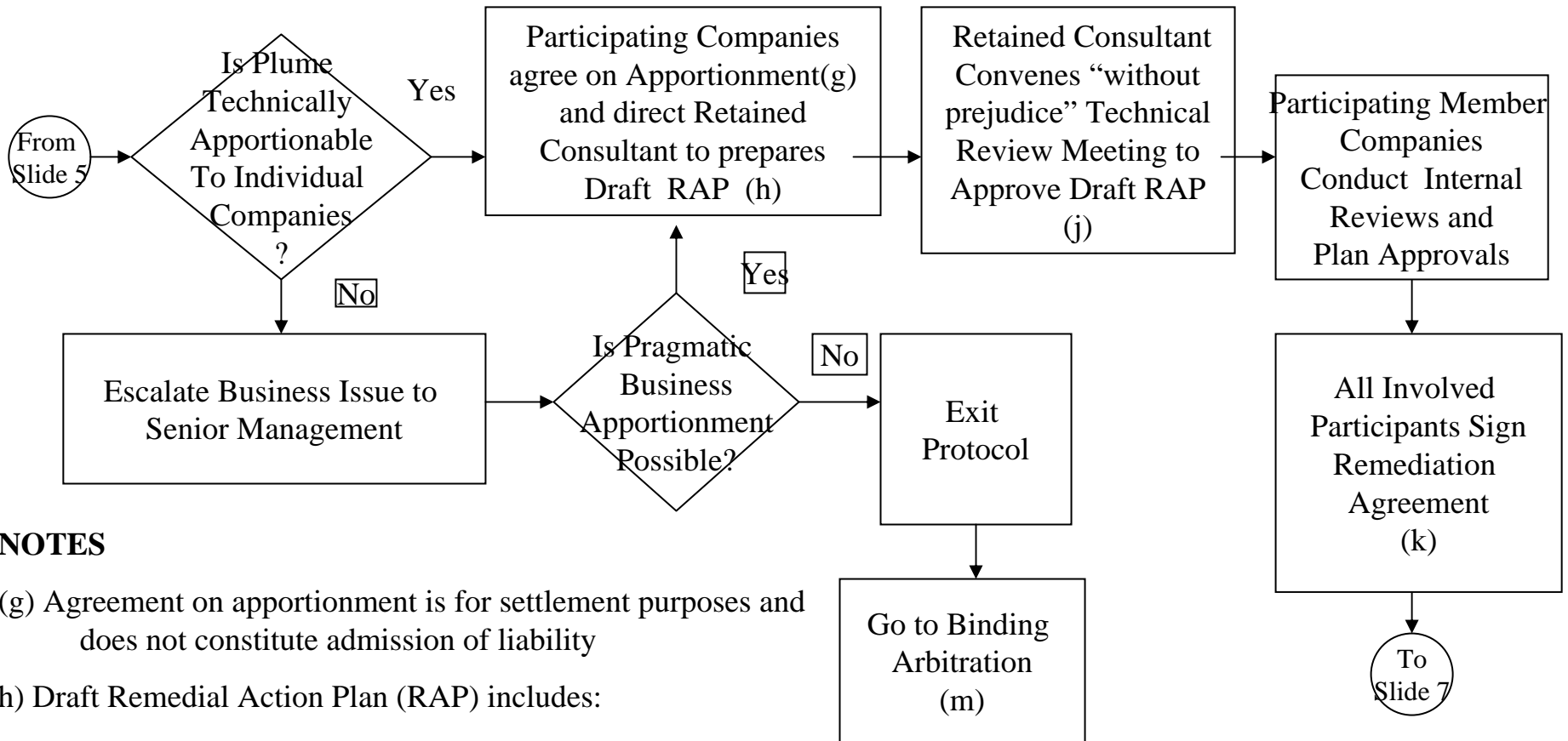


Notes:

- (d) Agreement to address selection and retention of a consultant satisfactory to all, and project oversight matters including safety requirements, work scope, protocols, direction, required permits, financial coordination
- (e) Report to include findings (not interpretations), technical gaps, if any, proposed scope of additional work, additional resources required (technical and financial)
- (f) Meeting held to discuss report and agree upon additional work, if required

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NOTES

(g) Agreement on apportionment is for settlement purposes and does not constitute admission of liability

h) Draft Remedial Action Plan (RAP) includes:

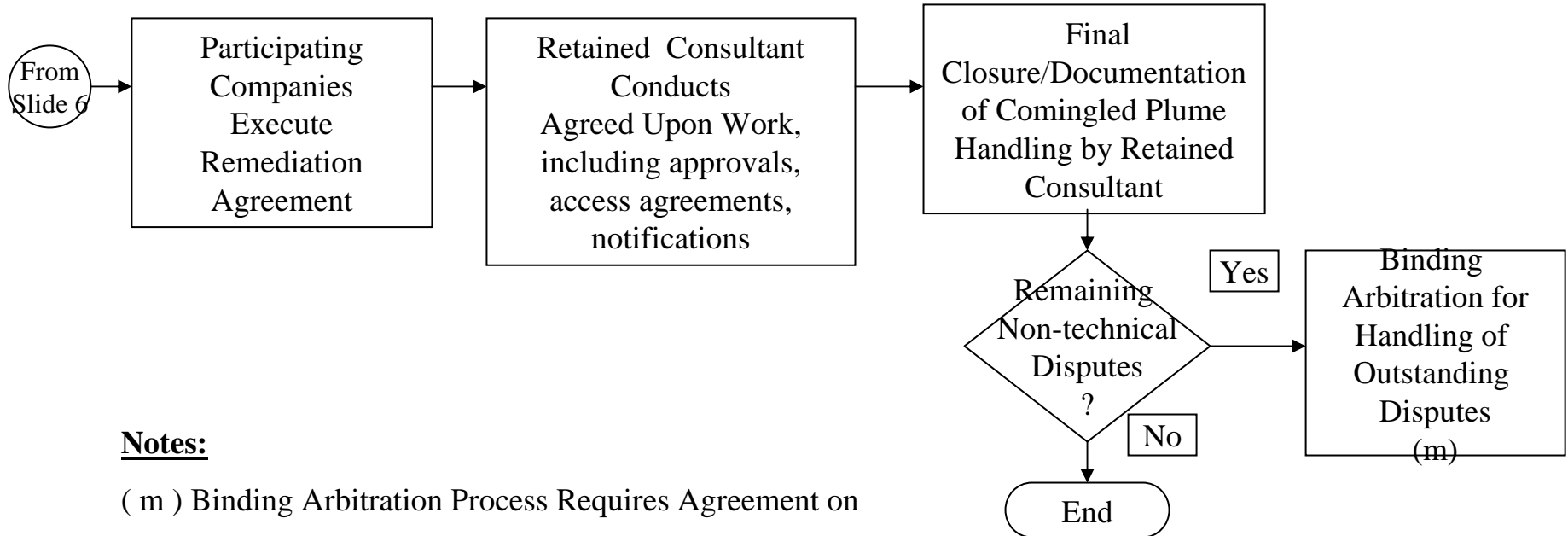
- Technical Details
- Estimated Cost

(j) Attendees limited to those with technical/project skills in remediation

(k) May Include Indemnifications for Those Portions of the Plume Deemed Apportionable

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Notes:

(m) Binding Arbitration Process Requires Agreement on arbitrator, confidentiality and legal versus technical arbitration approach