From:	Quinones, Edwin
To:	Matt Rosek
Cc:	John McCoy; Hayes, Mark
Subject:	West Fertilizer Site - Consent for Access
Date:	Wednesday, June 12, 2013 8:45:00 PM
Attachments:	West Consent for Access for Sampling and Environmental Investigation 6-12-13.docx

Matt:

It was a pleasure speaking with you this afternoon. As you requested, I'm attaching a Consent for Access based on one of our standard forms for seeking entry to perform an environmental site inspection and investigation, such as sampling, drilling, etc., pursuant to EPA's authority under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, aka Superfund). The specific statutory provision authorizing entry can be found at Section 104(e), 42 U.S.C. 9604(e). We normally seek voluntary access in the form of a Consent for Access instead of seeking a warrant or an Administrative Order for Access, and this particular Consent for Access is limited to those sampling and investigative measures the EPA usually undertakes at Superfund sites. Although we don't negotiate access given EPA's statutory authority, I certainly understand the issues you've raised concerning third party interests with respect to evidence and spoliation. For this reason, I've included language in the attached Consent for Access that calls for at least 24 hours' notice prior to the EPA or its representatives (such as contractors) seeking entry to the site for the purposes described.

If you don't have any concerns with the Consent for Access, please have your client, or whomever has been designated authority to grant access, sign the Consent for Access and have it returned to me. If it's more convenient, you can also e-mail me a scanned PDF copy of the Consent for Access.

Otherwise, please feel free to call or e-mail me if you have any questions.

Regards,

Ed Quinones
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