LPRSA: Form of Custody Agreement for Lower Passaic Surface Water Samples

[Date]

[Name/Address of Party Taking Samples]

Subject: Custody Agreement for Lower Passaic Surface Water Samples

Dear [Interested Party]:

Pursuant to the public notice, [dated X] ("Notice"), you have indicated an interest in taking title, custody and control over the surface water samples ("SW Samples") identified in the Notice and attached hereto as Appendix A.

The SW Samples include approximately 5,911 40 mL or 1L bottles, which are presently housed in controlled storage units under contract with the following analytical laboratories:

- ALS Life Sciences, Kelso, WA
- Brooks Rand Labs, Seattle, WA
- SGS, Wilmington, NC
- TestAmerica, Knoxville, TN, West Sacramento, CA and Pittsburgh, PA.

Title, custody and control of the SW Samples is currently held by the Lower Passaic River Study Area Site Cooperating Parties Group ("CPG"). The purpose of this custody agreement ("Custody Agreement") is to outline the terms and conditions by which title, custody and control of the SW Samples will be transferred to [Interested Party].

The CPG is willing to relinquish title, custody and control of the SW Samples to [Interested Party] at no cost to [Interested Party]. However, the CPG will not continue to pay for the costs of sample storage. Therefore, by execution of this Custody Agreement, [Interested Party] agrees that it will either: (1) take over payment for storage costs associated with the SW Samples at each of the foregoing analytical laboratories; or (2) make arrangements with each of the foregoing analytical laboratories for costs associated with shipping or otherwise relocating the SW Samples to a location of [Interested Party's] choosing. [Interested Party] agrees that, if such arrangements are not made by [X date], the CPG may offer the samples to another interested party or dispose of the samples. The CPG agrees to make reasonable efforts to coordinate with the analytical labs to effectuate the transfer of title, custody and control to [Interested Party]. Upon such transfer, [Interested Party] shall be responsible for any and all use and/or disposal requirements consistent with any applicable laws or regulations. The CPG reserves all rights set forth in the Notice.

If the foregoing is acceptable, please confirm your consent by executing this Custody Agreement in the space provided below and returning a copy to me no later than [X date].

Sincerely,

[Coordinating Counsel for the CPG]

Agreed: _____
Print Name

_____
Title

_____
Signature