

[Date]

[Recipient Name]

[Title]

[Organization Name]

[Address Line 1]

[City, State, Zip Code]

RE: Advisory Letter Regarding Environmental Indemnification

Project Name: [Site Name]

VCP Project Number: [Project ID Number]

Property Address: [Site Address]

Dear [Recipient Name],

This letter is issued in connection with the participation of [Applicant/Organization Name] in the Voluntary Cleanup Program (VCP) regarding the brownfield property referenced above.

The purpose of this advisory is to outline the requirements and expectations regarding environmental indemnification as it pertains to the remediation and future use of the site. As a participant in the VCP, the applicant acknowledges the potential for existing environmental liabilities associated with historical site activities and the presence of hazardous substances or petroleum products.

1. Indemnification Requirement:

The applicant shall indemnify, defend, and hold harmless the [State/Agency Name] and its officers, employees, and agents from any and all claims, suits, actions, damages, and costs of every name and description arising out of or resulting from the performance of the remedial work or the presence of hazardous materials at the site.

2. Scope of Liability:

This advisory serves as notice that the successful completion of the VCP and the issuance of a "No Further Action" (NFA) letter or Certificate of Completion (COC) may provide certain liability protections under [State Statute/Regulation]. However, such protections are typically contingent upon the continued maintenance of institutional controls and the accuracy of the data provided during the cleanup process.

3. Financial Assurance:

In certain instances, the [Agency Name] may require proof of financial assurance or environmental insurance to cover potential third-party claims or long-term monitoring requirements.

4. Successors and Assigns:

The obligations and indemnifications set forth in the VCP Agreement are binding upon the applicant, its successors, and assigns. Prospective purchasers should be made aware of these conditions during due diligence periods.

Please ensure that your legal and environmental consulting teams review the specific indemnification clauses contained within your formal Voluntary Cleanup Agreement. Failure to adhere to these provisions may result in the loss of program eligibility or the rescission of liability releases.

If you have any questions regarding this advisory, please contact [Project Manager Name] at [Phone Number] or [Email Address].

Sincerely,

[Signature]

[Printed Name]

[Title]

[Department/Agency Name]

cc: [Legal Counsel Name]

[Environmental Consultant Name]