

1 the United States or the State, or any employee, officer, agency
2 or instrumentality thereof (but not including counties, cities,
3 local governmental entities or sanitation districts); or (3) any
4 claims arising out of response activities at the Montrose NPL
5 Site. Nothing in this Amendment shall be deemed to constitute
6 preauthorization of a claim within the meaning of Section 111 of
7 CERCLA, 42 U.S.C. § 9611, or 40 C.F.R. § 300.700(d).

8 RETENTION OF RECORDS

9 20. A. Settling Defendants certify that they have
10 provided the Governmental Parties with copies of all non-
11 privileged documents which relate to the release of any hazardous
12 substance to or from the Montrose NPL Site. In the event
13 additional non-privileged documents which relate to the release
14 of any hazardous substance to or from the Montrose NPL Site are
15 discovered, the Settling Defendants further certify that they
16 will provide copies of such documents to the Governmental Parties
17 and such obligation shall survive the termination of this
18 Amendment.

19 B. Until five years after the entry of this
20 Amendment, the Settling Defendants shall preserve and retain all
21 records and documents now in their possession or control or which
22 come into their possession or control, that relate to the release
23 of any hazardous substance to or from the Montrose NPL Site that
24 the Settling Defendants believe are privileged or otherwise
25 protected from disclosure, and that the Settling Defendants have
26 not previously produced to the United States or the State. At
27 the conclusion of this document retention period, the Settling
28 Defendants shall notify the United States and the State at least

1 ninety (90) days prior to the destruction of any such records or
2 documents. Thereafter, upon request by the United States and the
3 State, the Settling Defendants shall either: (1) produce or make
4 available any such records or documents at a mutually convenient
5 time and place agreed upon by the Parties; or (2) assert that
6 such documents, records and other information are privileged
7 under attorney client privilege, or any other privilege or
8 doctrine recognized under state or federal law, and at
9 Plaintiffs' request, provide a privilege log. Such a privilege
10 log shall provide the United States and the State with the
11 following information: (1) title of document or record; (2) date
12 of document or record; (3) name and position of the author of the
13 document or record; (4) description of the subject of the
14 document or record; and (5) the specific basis for the privilege
15 or doctrine asserted. Also, if Plaintiffs institute any
16 proceedings pursuant to paragraph 13 or 17, Plaintiffs may in
17 that instance request the above-described privilege log.

18 COMPLIANCE WITH OTHER LAWS

19 21. This Amendment shall not be construed in any way
20 to relieve the Settling Defendants or any other person or entity
21 from the obligation to comply with any federal, state or local
22 law.

23 RETENTION OF JURISDICTION

24 22. The Court shall retain jurisdiction of this matter
25 for the purpose of entering such further order, direction, or
26 relief as may be necessary or appropriate for the construction,
27 implementation or enforcement of this Amendment.

28

1 represents a fair, reasonable and equitable discharge of
2 liability for the matters addressed in this Amendment. With
3 regard to claims for contribution against the Settling Defendants
4 for matters addressed in this Amendment, the Governmental Parties
5 and the Settling Defendants hereto agree that, as of the Date of
6 Final Approval of this Amendment, the Settling Defendants are
7 entitled to such protection as is provided in Section 113(f) of
8 CERCLA, 42 U.S.C. § 9613(f), and any other applicable statute or
9 other law limiting or extinguishing their liability to persons
10 not party to this Amendment. For purposes of this Paragraph, the
11 Governmental Parties and the Settling Defendants agree that
12 "matters addressed in this Amendment" include: (1) Response
13 Costs; and (2) Natural Resource Damages. Any rights Settling
14 Defendants may have to obtain contribution or otherwise recover
15 costs or damages from persons not party to this Amendment are
16 fully preserved. No contribution protection is provided by this
17 Amendment for any claim for Response Costs under CERCLA incurred
18 in connection with the presence, release or threatened release of
19 a hazardous substance outside the geographic boundaries of the
20 Montrose NPL Site as those terms are defined herein.

21 VOIDABILITY

22 27. If for any reason the District Court, or upon
23 appellate review, a higher court, should decline to approve entry
24 of this Amendment in the form presented, this Amendment and the
25 settlement embodied herein shall be voidable by written notice to
26 the other Parties at the sole discretion of any party to this
27 Amendment, and the terms hereof may not be used as evidence in
28 any litigation or other proceeding. In the event this Amendment

1 is declared void, all terms and conditions of the 1992 Decree are
2 and shall remain in full force and effect.

3 NOTICE

4 28. Any notice required hereunder shall be in writing
5 and shall be delivered by hand, facsimile or overnight mail as
6 follows:

7 Notice to Governmental Parties:

8 Chief
9 Environment and Natural Resources Division
10 Environmental Enforcement Section
11 U.S. Department of Justice
12 1425 New York Avenue, N.W.
13 Washington, D.C. 20005
14 Facsimile (202) 514-2583

15 Supervising Deputy Attorney General
16 Land Law Section
17 300 South Spring Street
18 Fifth Floor
19 Los Angeles, CA 90013
20 Facsimile (213) 897-2801

21 Notice to Settling Defendants:

22 Potlatch Corporation
23 601 West Riverside Avenue
24 Suite 1100
25 Spokane, Washington 99201
26 Attention: General Counsel
27 Facsimile: (509) 835-1561

28 Simpson Paper Company/Simpson Investment
Company
1301 Fifth Avenue
Suite 2800
Seattle, WA 98101-2613
Attention: General Counsel
Facsimile: (206) 224-5059

Gregory R. McClintock
McClintock, Weston, et al.
444 South Flower Street
Forty-Third Floor
Los Angeles, CA 90071
Facsimile: (213) 623-0824

Rene P. Tatro
Tatro Coffino Zeavin Bloomgarden

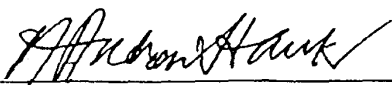
1 1875 Century Park East
2 Suite 1220
3 Los Angeles, CA 90067
4 Facsimile: (310) 229-2491

5 Each party to this Amendment may change the person(s)
6 it has designated to receive notice for that party, or the
7 addresses for such notice, by filing a written notice of such
8 change with the Court and serving said notice on each of the
9 other parties to this Amendment.

10 29. By signature below, all Parties consent to this
11 Amendment.

12 ORDER

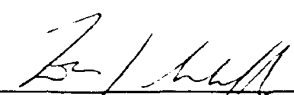
13 THE FOREGOING Amendment to the May 19, 1992 Consent
14 Decree among the Governmental Parties and the Settling Defendants
15 is hereby APPROVED. There being no just reason for delay, this
16 Court expressly directs, pursuant to Federal Rules of Civil
17 Procedure 54(b), ENTRY OF FINAL JUDGMENT in accordance with the
18 terms of this Amendment to the May 19, 1992 Consent Decree this
19 19 DAY OF August, 1999, that each of the Governmental
20 Parties and the Settling Defendants bear its own costs and
21 attorney's fees except as otherwise provided herein.

22 
23 _____
24 A. ANDREW HAUK
25 Senior United States District Judge
26 and
27 Chief Judge Emeritus
28

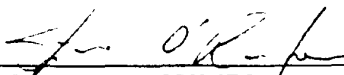
1 FOR THE UNITED STATES OF AMERICA:

2 WE HEREBY CONSENT to the entry of the Amendment to the May
3 19, 1992 Consent Decree in United States, et al. v. Montrose
4 Chemical Corporation of California, et al., No. CV 90-3122-AAH
5 (JRx), subject to the public notice and comment requirements of
6 28 C.F.R. § 50.7.


7
8 DATE: 11/5/98


LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources
Division
United States Department of Justice

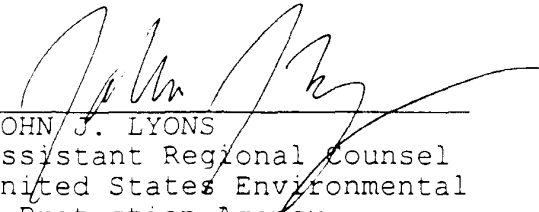
9
10
11
12 DATE: 7/27/98


ADAM M. KUSHNER
STEVEN O'ROURKE
Environmental Enforcement Section
Environment and Natural Resources
Division
United States Department of Justice
Post Office Box 7611
Washington, D.C. 20044
(202) 514-4046

13
14
15
16
17
18
19 DATE: 9-18-98


KEITH TAKATA
Director, Superfund Division
United States Environmental
Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

20
21
22
23
24 DATE: 9/18/98


JOHN J. LYONS
Assistant Regional Counsel
United States Environmental
Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOR THE CALIFORNIA DEPARTMENT OF FISH AND GAME:

WE HEREBY CONSENT to the entry of the Amendment to the May 19, 1992 Consent Decree in United States, et al. v. Montrose Chemical Corporation of California, et al., No. CV 90-3122-AAH (JRx), subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

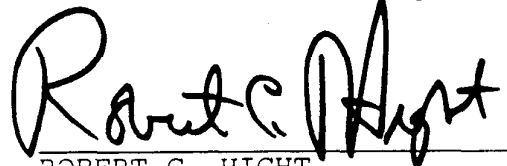
DATE: Sept. 11, 1998

Jacqueline E. Schaffer
JACQUELINE E. SCHAFER
Director of California
Department of Fish and Game

1 FOR THE CALIFORNIA STATE LANDS COMMISSION:

2 WE HEREBY CONSENT to the entry of the Amendment to the May
3 19, 1992 Consent Decree in United States, et al. v. Montrose
4 Chemical Corporation of California, et al., No. CV 90-3122-AAH
5 (JRx), subject to the public notice and comment requirements of
6 28 C.F.R. § 50.7.

7
8 DATE: 8/19/98


9 ROBERT C. HIGHT
10 Executive Officer of the State
11 Lands Commission

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 FOR THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION:

2 WE HEREBY CONSENT to the entry of the Amendment to the May
3 19, 1992 Consent Decree in United States, et al. v. Montrose
4 Chemical Corporation of California, et al., No. CV 90-3122-AAH
5 (JRx), subject to the public notice and comment requirements of
6 28 C.F.R. § 50.7.

7

8 DATE: 8/28/98

Patricia J. Megason
PATRICIA J. MEGASON
Director California Department of
Parks and Recreation

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

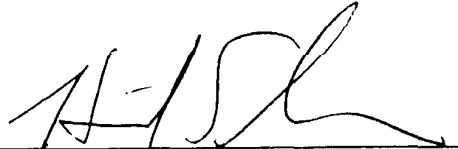
27

28

1 FOR THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL:

2 WE HEREBY CONSENT to the entry of the Amendment to the May
3 19, 1992 Consent Decree in United States, et al. v. Montrose
4 Chemical Corporation of California, et al., No. CV 90-3122-AAH
5 (JRx), subject to the public notice and comment requirements of
6 28 C.F.R. § 50.7,

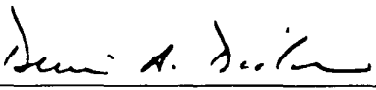
7
8 DATE: 9/8/98


9 HAMID SAEBFAR
10 Chief, Site Mitigation Cleanup
11 Operations, Southern California
12 Branch A
13 California Department
14 of Toxic Substances Control
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 FOR THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS
2 ANGELES REGION:

3 WE HEREBY CONSENT to the entry of the Amendment to the May
4 19, 1992 Consent Decree in United States, et al. v. Montrose
5 Chemical Corporation of California, et al., No. CV 90-3122-AAH
6 (JRx), subject to the public notice and comment requirements of
7 28 C.F.R. § 50.7.

8 DATE: August 19, 1998


9 _____
10 DENNIS A. DICKERSON
11 EXECUTIVE OFFICER
12 Los Angeles Region, California
13 Regional Water Quality Control Board
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 FOR POTLATCH CORPORATION:

2 WE HEREBY CONSENT to the entry of the Amendment to the May
3 19, 1992 Consent Decree in United States, et al. v. Montrose
4 Chemical Corporation of California, et al., No. CV 90-3122-AAH
5 (JRx).

POTLATCH CORPORATION

By:

6
7 DATE: September 3, 1998

John M. Richards

8 NAME: John M. Richards
9 Chairman of the Board and
10 Chief Executive Officer

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
POTLATCH CORPORATION

1 FOR SIMPSON PAPER COMPANY:

2 WE HEREBY CONSENT to the entry of the Amendment to the May
3 19, 1992 Consent Decree in United States, et al. v. Montrose
4 Chemical Corporation of California, et al., No. CV 90-3122-AAH
5 (JRx).

6
7 DATE: August 31, 1998 

8 NAME: Colin Moseley

9 TITLE: Chairman

10 SIMPSON PAPER COMPANY

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

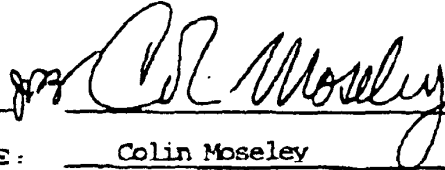
1 FOR SIMPSON INVESTMENT COMPANY:

2 WE HEREBY CONSENT to the entry of the Amendment to the May
3 19, 1992 Consent Decree in United States, et al. v. Montrose
4 Chemical Corporation of California, et al., No. CV 90-3122-AAH
5 (JRx).

6

7

DATE: August 31, 1998



8

NAME: Colin Moseley

9

TITLE: Chairman

10

SIMPSON INVESTMENT COMPANY

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28