IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff,	)	Civil Action No. C80-1857
v.	)	
DIAMOND SHAMROCK CORPORATION, Defendant.	)	STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

1. On October 7, 1980, the United States of America, on behalf of the Administrator of the United States Environmental Protection Agency, commenced a civil action against Diamond Shamrock Corporation under Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. §6973, relating to a parcel of land on the North bank of the Grand River approximately 3.5 river miles from Lake Erie. The complaint alleged that Diamond Shamrock had disposed of chromate wastes at this site.

2. The parties, through their attorneys and technical experts, have met and resolved the differences between them. This resolution is embodied in the attached Administrative Consent Order.

3. The parties stipulate pursuant to Rule 41(a)(1)(ii) Fed.R.Civ.P. that the pending action be dismissed without prejudice.

4. The parties further stipulate that the attached Administrative Consent Order be lodged with the Court as part of the record in this case.

DIAMOND SHAMROCK CORPORATION

By: _____
DENNIS M. KELLEY
Jones, Day, Reavis & Pogue
Attorney for Diamond Shamrock

By: _____
JAMES E. LONG
Vice-President
Industrial Chemicals
Diamond Shamrock

UNITED STATES OF AMERICA

By: _____
F. HENRY HABICHT, II
Acting Assistant Attorney General
Land and Natural Resources Division
United States Department of Justice

By: _____
J. WILLIAM PETRO
United States Attorney
Northern District of Ohio

By: _____
KATHLEEN SUTULA
Assistant U.S. Attorney
Northern District of Ohio

By: _____
PAUL J. SCHAEFFER
Attorney
Environmental Enforcement Section
United States Department of Justice

By: _____
ROBERT B. SCHAEFER
Regional Counsel
U.S. Environmental Protection Agency
Chicago, Illinois 60604

By: Babette Neuberger

BABETTE NEUBERGER
Attorney
U.S. Environmental Protection Agency
Chicago, Illinios 60604

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:	)	
	)	
DIAMOND SHAMROCK CORPORATION	)	ADMINISTRATIVE
Proceedings Under Sections	)	CONSENT ORDER
3013(a)(1) Of The Resource	)	
Conservation And	)	
Recovery Act, 42 U.S.C.	)	
§6934(a)(1),	)	
	)	
Respondent.	)	

The following recitals and findings are made and agreed to under this Administrative Consent Order between the United States Environmental Protection Agency ("U.S. EPA") and Diamond Shamrock Corporation ("Diamond") issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency, and duly redelegated, under §3013(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6934(a)(1).

RECITALS AND FINDINGS OF FACT

1. Diamond is the owner of a 100-acre tract of real property ("the Site") located on the Grand River in Painesville Township, Ohio. Between approximately 1931 and 1972, Diamond operated a chromium chemicals plant on the Site. During that period, approximately three-quarters of one million tons of chromate waste materials were generated by the plant and disposed of on the Site.

2. On October 7, 1980, the United States commenced a civil action on behalf of the Administrator of the United States Environmental

Protection Agency against Diamond under RCRA Section 7003, 42 U.S.C. §6973, in the United States District Court for the Northern District of Ohio, Civil Action No. C80-1857, alleging that the chromate wastes on the Site may present an imminent and substantial endangerment to human health or the environment.

3. In 1982 Diamond completed an extensive closure program, which began in 1978. The program included, among other things, the placement of a protective clay cap over the surface of the Site, all at a capital cost in excess of $4 million. Diamond also commissioned an 18-month study of the aquatic life in the Grand River upstream of, adjacent to, and downstream of the Site.

4. Diamond has provided U.S. EPA with a hydrogeologic study and other information regarding this Site. Diamond also presented to U.S. EPA the results of its 18-month aquatic study which indicates that the Site is not causing any measurable adverse effects upon the aquatic life of the Grand River.

5. Pursuant to Section 3013(a)(1) of RCRA, 42 U.S.C. §6934(a)(1), the Regional Administrator has the authority to issue Orders requiring the owner of a site to conduct monitoring, testing and analyses, and to furnish the results to U.S. EPA, where there is present at a site a hazardous waste.

6. The chromate waste materials are hazardous wastes as defined in §1004(5) of RCRA, 42 U.S.C. §6904(5). Therefore, the Site and adjacent areas of the Grand River must be subject to a continued monitoring, inspection, and reporting program and contingency plan in accordance with the terms of this Order. Diamond has agreed to undertake this program and plan and does not contest the authority and jurisdiction

of the Administrator to issue this Order. For the foregoing reasons, the parties to the lawsuit have agreed to cause the civil action to be dismissed by the Court without prejudice upon execution and lodging with the Court of this Administrative Consent Order ("Order").

7. Diamond and U.S. EPA do each consent to this Administrative Order without Diamond's admission of liability and without trial, adjudication, or admission of any issues of fact or law.

ORDER

Diamond shall, unless otherwise provided herein, comply with the following requirements commencing within thirty (30) days of the entry of this Order:

I

GROUNDWATER MONITORING PROGRAM

1. Diamond shall maintain groundwater monitoring wells at the locations set forth in Appendix E and at other locations in accordance with this Section.

2. To supplement its existing groundwater monitoring system, Diamond shall install additional groundwater monitoring wells to monitor groundwater levels and chromium concentrations at the Site.

(A) Wells shall be located and installed in accordance with a well installation plan. This plan shall be submitted by Diamond to U.S. EPA within sixty (60) days of the entry of this Administrative Consent Order. The plan shall include well construction specifications and an installation schedule. The plan shall detail the results of a thermal study conducted on January 7, 1983,

as well as the results of the soil boring study conducted pursuant to Section I.2(B) below.

(B) Within thirty (30) days of the entry of this Order, Diamond shall also conduct soil borings in areas mutually agreed upon as a result of the January 7, 1983 thermal study.

(C) The plan shall provide for monitoring wells in the area lying between the Site and the Grand River. These well shall be proposed in areas confirmed by the soil borings to display high chromium content and/or significant groundwater flow.

(D) The plan shall propose two monitoring wells to be installed in the interior of the Site.

3. Wells shall be installed within sixty (60) days of the U.S. EPA's approval of the well installation plan. A copy of the well installation plan shall be submitted to Ohio EPA at the same time it is submitted to U.S. EPA.

4. After well installation is completed a survey shall be conducted to establish well-head elevations with respect to a fixed point, preferably mean sea level. The wells shall be so surveyed every two years for the first six (6) years. After six (6) years, the parties will review the data and determine the frequency of further survey.

5. The monitoring wells, except existing upgradient wells presently identified as #6 and #7, shall be measured for groundwater elevations monthly for two years after which time they shall be measured quarterly for the next eight years and semiannually for the remainder

of the Groundwater Monitoring Program. Groundwater elevations shall be measured annually in upgradient wells #6 and #7. A river level measurement shall be taken concurrently with groundwater elevation measurements.

6. Groundwater sampling shall be performed in accordance with Appendix E and be analyzed for pH, total chromium and hexavalent chromium in accordance with Appendix A. All wells, except wells #6 and #7, shall be sampled monthly for the first year, quarterly for the next nine years, and semiannually for the remainder of the 30-year Groundwater Monitoring Program, unless otherwise provided pursuant to Section X.7. Groundwater sampling shall be performed annually for wells #6 and #7 for the entire Groundwater Monitoring Program.

7. Groundwater Monitoring Log Sheets shall be maintained in accordance with Appendix E, detailing sampling results, groundwater elevations, weather conditions, and water levels of the Grand River during sampling. These log sheets shall be signed by the sampling team members.

8. All monitoring wells shall be maintained in good working condition and protected from damage and unauthorized access. Damage to wells shall be detailed in the Groundwater Monitoring Log Sheets and repaired as quickly as possible.

9. In order to determine whether or not there is an annual increase in groundwater elevation within the Site, while accounting for seasonal fluctuations, the interior wells shall be monitored and assessed as follows:

(A) Water levels shall be recorded monthly in the above wells for a period of two years and quarterly for the next eight years and semiannually for the remainder of

the Groundwater Monitoring Program. During each of the first two years, the water level readings taken every third month, i.e., four readings, will be averaged to provide an annual average water level for each well. After the first two years, all water level readings taken within a given year will be averaged to yield the average annual water level for each well.

(B) If, after the first year of monitoring, the annual average water level for any subsequent year in either well exceeds the annual average of the previous year, Diamond shall promptly perform a Site inspection and perform any maintenance or repairs as described in Section II.2 of this Order. Diamond shall give U.S. EPA and Ohio EPA notice of such exceedence by telephone within 24 hours of its discovery by Diamond. A report on this inspection and any proposed remedial action shall be submitted to U.S. EPA and the Ohio EPA within 10 working days of the inspection.

II

SITE INSPECTION AND MAINTENANCE PROGRAM

1. Diamond shall conduct visual inspections of the Site required by this Order, in accordance with the procedures set forth in Appendix C and bank stability measurements in accordance with the procedures set forth in Appendix D.

2. Diamond shall establish permanent site markers to be used as reference points in locating and reporting inspection observations and

remedial work. Existing fence posts and telephone poles may be marked for this purpose. Additional markers shall be placed along the top of the berm paralleling the Grand River.

3. A Site Inspection Log Sheet shall be prepared and signed by the individuals who conduct the inspection and shall be maintained, all in accordance with Appendix C. Conditions which require maintenance or repair shall be noted and maintenance or repairs shall be completed as quickly as possible. All maintenance and repairs shall be documented in the Site Inspection Log Sheet.

4. Diamond shall take or cause to be taken oblique aerial color photographs of the Site at the commencement of the Site Inspection and Maintenance Program, and every five years thereafter. These photographs shall be taken so as to accurately depict the conditions on the Site over time. Each series shall include views of the Site from the North, South, East and West directions.

5. Site inspections shall be conducted quarterly for an initial ten-year period and semiannually for the succeeding twenty-year period. In addition, Site inspections shall be conducted on the next working day following the end of any sustained rainfall event greater than 2.2 inches in any 12-hour period as measured at the National Weather Service Station at the Cleveland Hopkins International Airport. Any damage or defects in the site cover or slopes shall be noted and repairs completed as quickly as possible.

III

GRAND RIVER MONITORING PROGRAM

1. Diamond shall monitor the Grand River by sampling at two designated locations adjacent to the Site. The locations are described below and designated on the map in Appendix B. The locations are hereinafter referred to as the "river sampling locations." The designated locations are:

(A) Upstream of the Site, at the Route 20 bridge, and,

(B) Downstream of the Site, approximately 1,000 feet beyond Diamond's pipe bridge, and above the City of Painesville Wastewater Treatment Plant.

2. In accordance with the sampling procedures set forth in Appendix B, three (3) grab samples shall be taken at equal time intervals at both river sampling locations over a six-hour period and analyzed individually in accordance with Appendix A. A Grand River Monitoring Log Sheet shall be maintained in accordance with Appendix B. Log Sheets shall detail sampling results, weather conditions during sampling, water level, daily precipitation, and appearance of the Grand River, and shall be signed by the sampling team members.

3. The Grand River water samples shall be analyzed for total chromium, hexavalent chromium and pH in accordance with Appendix A.

4. Sampling at the river sampling locations shall be performed monthly for the first ten-year period and quarterly for the succeeding 20-year period, subject to such changes in frequency as may be required by weather conditions or otherwise as provided in Section X.7.

5. An average hexavalent chromium value will be calculated for the three (3) grab samples obtained at the downstream sampling location

for each day of sampling, pursuant to Section III.2. A one-tailed Students 't' test shall be applied to the logarithms of these values at the end of the first two years of the Grand River Monitoring Program in order to determine the upper 95 percent confidence limit value (t95). This value shall represent an "Action Level" for hexavalent chromium. (Whenever the term Action Level appears it relates solely to measurements of hexavalent chromium.) If the mean value of the three (3) grab samples taken at the downstream location pursuant to Section III.2 at any time subsequent to the first two years of monitoring exceeds the Action Level, Diamond shall implement the Contingency Plan described in Section IV.

6. At the conclusion of the first two years of river monitoring Diamond shall calculate the Action Level and notify U.S. EPA and the Ohio EPA, in writing, of the results of its computation and methods of calculation.

IV

CONTINGENCY PLAN

1. At any time during the Grand River Monitoring Program described in Section III, should the mean value of the three (3) grab samples taken at the downstream locations exceed the Action Level, Diamond shall initiate the following course of action:

(A) A series of samples shall be taken at each river sampling location in accordance with Appendix B. This series shall consist of three (3) grab samples taken at equal time intervals at each river sampling location over a six-hour period, commencing on the first working day

immediately following discovery of the initial sample exceeding the Action Level. If the mean value of the three (3) grab samples taken at the downstream sampling location exceeds the Action Level, Diamond shall within 24 hours notify U.S. EPA and Ohio EPA (by telephone and/or express mail) that the Contingency Plan has been activated. Diamond shall also immediately initiate the following:

(1) All dikes and sloped surfaces on the Site shall be inspected following the procedures set forth in Appendix C. Any conditions which require remedial maintenance shall be documented and remedied promptly.

(2) The north bank of the Grand River immediately adjacent to the Site shall be inspected and ten (10) equally-spaced grab samples of the Grand River collected along the north bank.

(3) The groundwater monitoring wells shall be sampled in accordance with Appendix E.

(4) Grab samples shall be taken every fifteen (15) minutes, for a period of two hours, from the surface drain outfalls, beginning as early as possible after the first rainfall event sufficient to produce runoff.

(5) Three grab samples shall be taken at equal time intervals, over the course of six hours, at the river sampling locations. These

samples shall be taken on the same day each week for four weeks.

(B) At the completion of the sampling period pursuant to Section IV.1(A)(5), Diamond shall calculate the mean of the hexavalent chromium data from the downstream location. This calculation shall be compared with the mean of the hexavalent chromium data obtained during the first two years of river monitoring pursuant to Section III.4 for that location through use of the one-tailed Students 't' test at the upper 95 percent confidence level. These calculations should be submitted to U.S. EPA and Ohio EPA upon completion. If there has been a statistical increase, Diamond shall develop a remedial action plan and implementation schedule to reduce the hexavalent chromium concentrations in the river to below the Action Level. The plan shall be submitted to U.S. EPA and Ohio EPA within fifteen (15) days of completion of the sampling period identified in Part IV.1(A)(5). U.S. EPA shall have thirty (30) days to comment, approve, or object to the plan. If U.S. EPA comments or specifically objects to any portion of the plan within the 30-day time period, Diamond shall not implement that portion of the plan without resolution of the disputed items. If U.S. EPA approves the plan or fails to comment or object, Diamond shall implement the remedial action plan. EPA's approval of a plan shall not relieve Diamond of any obligation to take further action under

this Section if the plan fails to reduce hexavalent chromium concentrations below the Action Level.

(C) Upon completion of remedial actions conducted pursuant to Section IV.1(B) samples shall be taken at the downstream river sampling location three times a day at equal intervals of time on the same day each week for four weeks and, after an interval of one month, one additional day's sampling, to verify that the Action Level is no longer being exceeded.

2. Diamond shall submit interim reports every fifteen (15) days to U.S. EPA and Ohio EPA summarizing the progress of the investigations and any remedial maintenance. A detailed final report shall be submitted to U.S. EPA and Ohio EPA within thirty (30) days of completion of the investigations and any remedial maintenance.

V

RECORDKEEPING AND REPORTING

1. Diamond shall provide U.S. EPA and Ohio EPA within 30 days following the close of each quarter, copies of all Grand River Monitoring Log Sheets, Groundwater Log Sheets, and Site Inspection Log Sheets for that quarter. Copies of supporting laboratory data shall be provided to U.S. EPA and Ohio EPA on request. Diamond shall also provide any log sheets not yet due within thirty (30) days of a request by U.S. EPA or Ohio EPA.

2. Diamond shall provide to U.S. EPA and Ohio EPA at least ten (10) days notice of any routine sampling or inspection. In the event

that such sampling or inspection must be rescheduled, Diamond shall provide U.S. EPA and Ohio EPA 24-hour notice.

3. All records prepared in compliance with this Order shall be retained by Diamond and be available to U.S. EPA and Ohio EPA and their designated representatives for inspection and copying during normal business hours until this Order by its terms expires, including but not limited to the following:

(A) This Order, including any attachments or modifications thereto;

(B) The Grand River Monitoring Log Sheets;

(C) The Groundwater Monitoring Log Sheets;

(D) The Site Inspection Log Sheets; and

(E) Supporting laboratory data.

VI

NOTICE IN DEED TO PROPERTY

1. A notation shall be recorded on the deed to the Site or on some other instrument which is normally examined during a title search filed with the Recorder, Lake County, Ohio, disclosing that:

(A) The land has been used to dispose of hazardous wastes as defined by the Resource Conservation and Recovery Act, 42 U.S.C. §6904(5); and

(B) Use of the Site in a manner which would disturb the integrity of the final cover, or any component of the containment system, or the function of the Site's monitoring system is prohibited, unless the Regional Administrator (Region V of U.S. EPA) determines that the

disturbance is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment, or is necessary to reduce a threat to human health or the environment.

2. A survey plat and record of the type, estimated location, and estimated quantity of the chromate wastes disposed of on the Site shall be filed with the appropriate local zoning authority and with the Regional Administrator, U.S. Environmental Protection Agency, Region V.

3. A copy of this Order shall also be filed with the Recorder, Lake County, Ohio, as an attachment to said deed or other said instrument.

VII

RESOLUTION OF DISPUTES

1. In the event that U.S. EPA and Diamond disagree concerning their rights and obligations under, or concerning the proper interpretation of this Order, representatives of each shall confer and attempt expeditiously and in good faith to resolve any such disagreement.

2. In the event that the parties are able to resolve their disagreement, the terms of such resolution shall be reduced to writing, signed by authorized representatives of each party, and deemed to modify or supersede this Order to the extent of any inconsistency.

3. In the event that the parties cannot resolve their disagreement, this Order is then deemed to be final for purposes of a judicial reveiw and enforcement.

4. Nothing contained in this Part shall be construed so as to limit the rights reserved in Section IX of this Order.

VIII

DELAY IN PERFORMANCE AND STIPULATION OF PENALTIES

1. If any event occurs which causes delay or may cause delay in the timely achievement of the requirements of this Order, Diamond shall notify U.S. EPA and Ohio EPA in writing within five (5) working days of the event, describing in detail the anticipated length of the delay, the precise cause or causes of delay, the measures taken and to be taken by Diamond to prevent or minimize the delay and the schedule by which these measures will be implemented. If a delay has been or will be caused by circumstances beyond the control of Diamond, the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances provided, however, that any excused delay or prevention of any intermediate requirement shall not result in the excused delay or prevention of any subsequent requirement if the subsequent step can reasonably be implemented without completion of the prior step. Diamond shall take all reasonable action to minimize or avoid any delay or prevention of the performance of the obligations under this Order.

2. Increased costs of performance of the requirements of this Order shall not be circumstances beyond the control of Diamond justifying an extension in the time for performance.

3. Nothing contained herein shall be construed so as to relieve Diamond of its duties to performs its obligations under this Order even though delays in performance of such obligations may be excused by events beyond the control of Diamond.

4. Diamond shall pay the United States, upon demand by U.S. EPA, a stipulated penalty in an amount up to $500 for each day it unjustifiably fails to meet its obligation:

(A) To notify U.S. EPA under Section I.9(B) that the annual average water level for any subsequent year in either interior monitoring well exceeds the annual average of the previous year;

(B) To notify U.S. EPA under Section IV.1(A) that the mean value of the three (3) grab samples taken at the downstream location exceeds the Action Level and that the Contingency Plan has been activated;

(C) To submit to U.S. EPA under Section IV.1(B) within fifteen (15) days of completion of the sampling period identified in Part IV.1(A)(5) a remedial action plan and implementation schedule;

(D) To submit to U.S. EPA under Section IV.2 an interim report every fifteen (15) days and a final report within thirty (30) days of completion of the investigations and any remedial maintenance;

(E) To submit to U.S. EPA under Section V.1 within 30 days following the close of each quarter copies of all Grand River Monitoring Log Sheets, Groundwater Log Sheets, and Site Inspection Log Sheets for that quarter;

(F) To notify U.S. EPA under Section IX that Diamond has received information that a substantial structural failure of the cap has occurred or is about to occur.

5. The stipulated penalties shall be paid by certified check made payable to the Treasurer of the United States.

6. The stipulated penalties set forth above shall not preclude U.S. EPA from electing to pursue any other remedies or sanctions, including statutory civil penalties up to the maximum amounts authorized by law, which may be available to U.S. EPA by reason of Diamond's failure to comply with the requirements of this Consent Order. Diamond reserves its right to contest the imposition or amount of any stipulated penalties under this Section.

7. In the event of dispute between U.S. EPA and Diamond in respect of the imposition of stipulated penalties, or the amount thereof, Diamond and U.S. EPA shall attempt to resolve any disagreement in accordance with Section VII.

8. Section VIII.4 shall not apply to Diamond with respect to an obligation for which Diamond is secondarily liable.

IX

RESERVATION OF RIGHTS

Notwithstanding any other provisions of this Order, U.S. EPA expressly reserves all rights available to it under any and all applicable statutes and regulations of the United States, and the common law.

Distribution of any plans, reports, notices or other information to the Ohio Environmental Protection Agency shall not be construed as affecting the rights or obligations of that Agency or the State of Ohio.

Notwithstanding any other provision of this Order, upon the receipt of information that a substantial structural failure of the cap

has occurred or is about to occur, Diamond shall commence mitigative measures and shall immediately notify U.S. EPA and Ohio EPA.

Notwithstanding any other provisions of this Order, Diamond reserves the right to raise any defense in any action to enforce the terms of this Order or in any other proceeding. This Order shall not be construed as an admission of liability or of any fact or as a waiver of any defense in fact or law, except as to the Administrator's authority and jurisdiction to issue this Order.

X

MISCELLANEOUS

1. Any sampling, analytical work, inspections, remedial maintenance, or repairs required by the Order shall be carried out by qualified personnel selected by Diamond.

2. Copies of any notices, reports or requests with respect to this Order shall be delivered to the persons at the following addresses (or such other address as the person addressed may designate by notice to the others):

(A) To Diamond Shamrock:

Manager, Environmental and Safety Services
Chemical Unit
Diamond Shamrock Corporation
1100 Superior Avenue
Cleveland, Ohio 44114
(216) 694-5352
(216) 353-2318 (24-hour Emergency Response number)

(B) To U.S. EPA or the Regional Administrator:

Director, Waste Management Division
U.S. Environmental Protection Agency
Region V
230 South Dearborn
Chicago, Illinois 60604
(312) 886-7579

(C) To Ohio EPA:

Chief, Division of Hazardous Materials Management
Ohio Environmental Protection Agency
361 East Broad Street
Columbus, Ohio 43215
(614) 466-7220

3. The provisions of this Order shall be binding on the parties, their successors and assigns, and shall govern the rights and obligations of any successor in interest of the Site. If any successor in interest agrees in writing to assume Diamond's obligations under this Order, Diamond shall become secondarily liable for such obligations.

4. Diamond or any successor in interest shall establish financial assurance for the annual costs of monitoring and maintenance under this Order through one of the mechanisms in 40 C.F.R. §§265.145 and 265.151 (1982 Supp.). Nothing in this Section shall be construed as an admission that the Site is subject to the regulations promulgated pursuant to Section 3004 of RCRA, 42 U.S.C. §6924.

5. Nothing contained herein shall be construed so as to excuse Diamond from compliance with any applicable regulations of the Occupational Safety and Health Administration (29 C.F.R. Part 1910), or any other applicable federal, state and local laws or regulations.

6. U.S. EPA, Ohio EPA and their designated representatives shall have authority to enter the Site at all reasonable times for the purposes of inspection and sampling. Where this Order requires that Diamond take action on the next working day, U.S. EPA may take such action prior to the first working day if it determines that emergency action is necessary. Diamond shall allow U.S. EPA and Ohio EPA to observe actions undertaken pursuant to this Order. Samples obtained by any person shall be split upon request.

7. At the request of either party, at the end of the initial five-year period and at the end of each five-year increment thereafter, U.S. EPA and Diamond shall review all sampling data and other information and conditions pertinent to the Site to determine whether this Order should be modified in any respect or terminated.

8. This Order shall expire thirty (30) years from the date hereof, unless otherwise agreed pursuant to the terms of this Order.

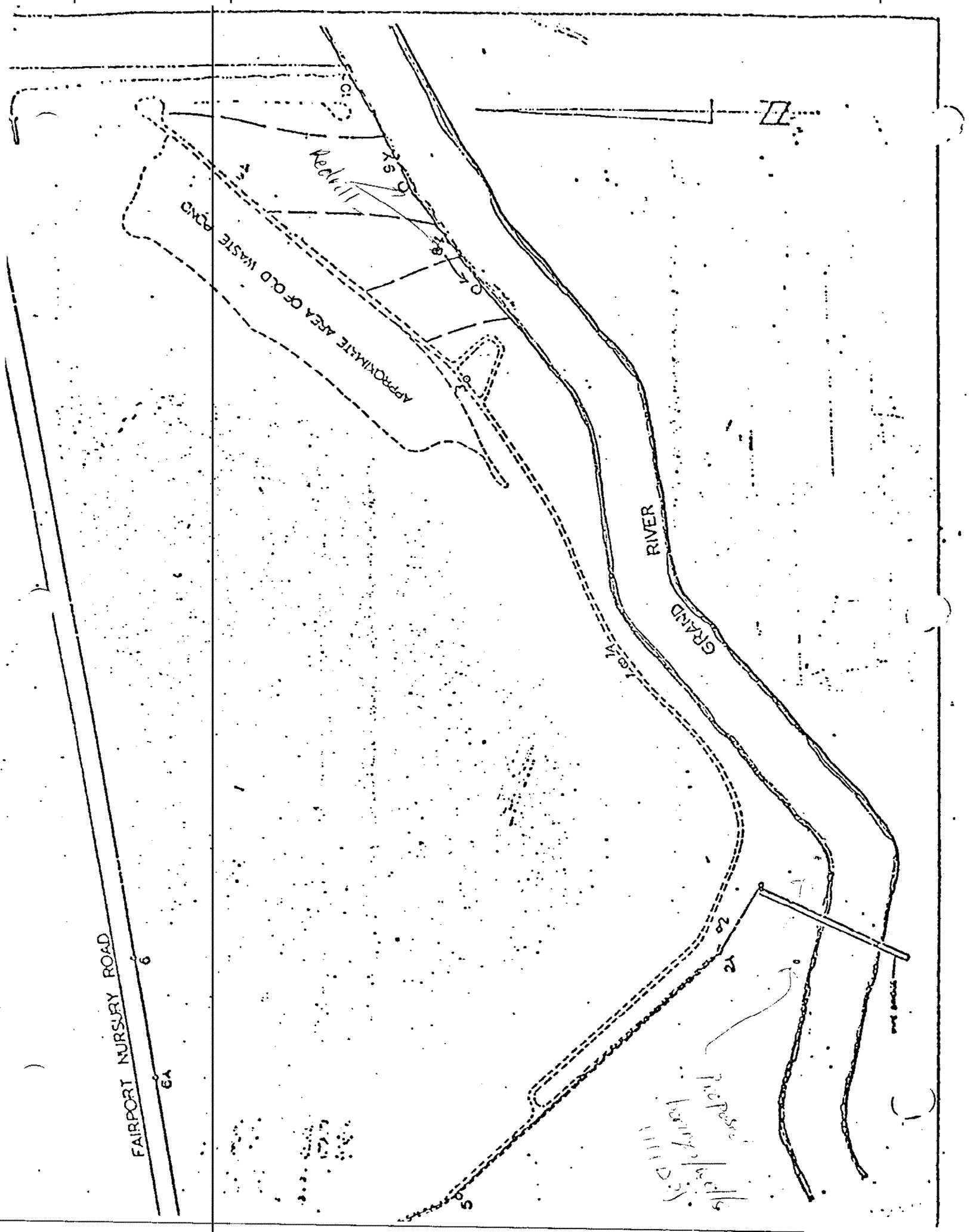
Entered as to this 14th day of July, 1983, with the agreement and consent of the parties.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

/s/ Valdas V. Adamkus
By Valdas V. Adamkus
Regional Administrator

DIAMOND SHAMROCK CORPORATION

James E. Long
By James E. Long
Vice-President, Industrial Chemicals


APPROXIMATE AREA OF OLD WASTE POND
GRAND RIVER
FAIRPORT NURSURY ROAD
Redhill
Proposed bridge/ladder