TO CONSENT DECREE

## THIRD AMENDMENT TO CONSENT DECREE

The following Third Amendment to the Consent Decree (this "Third Amendment") is entered into by and among Plaintiff Orange County Coastkeeper ("Coastkeeper") and Defendants Hixson Metal Finishing, FPC Management LLC, and Reid Washbon, Trustee of the Reid Washbon Trust (collectively, "Defendants"). The entities entering into this Third Amendment are each an individual "Settling Party" and collectively the "Settling Parties."

## **RECITALS**

- **A.** WHEREAS, Coastkeeper is a non-profit public benefit corporation organized under the laws of the State of California;
- **B.** WHEREAS, Coastkeeper's mission is to protect swimmable, drinkable, fishable water and promote watershed resilience throughout our region;
- **C. WHEREAS**, Hixson Metal Finishing is a metal finishing and non-destructive testing facility servicing the aerospace and defense industries;
- **D. WHEREAS**, FPC Management LLC owns the real property underlying a portion of Hixson's industrial operations conducted at 861 Production Place, Newport Beach, CA 92663;
- **H. WHEREAS**, the real property underlying a portion of Hixson's industrial operations conducted at 816 Production Place, Newport Beach, CA 92663 is owned by the Reid Washbon Trust, and Mr. Reid Washbon is the trustee;
- I. WHEREAS, Defendants own real property and/or operate a metal finishing and testing facility at 816 and 817-861 Production Place, Newport Beach, California 92663 (the "Facility");
- **J. WHEREAS**, Defendants' operations at the Facility result in discharges of pollutants into waters of the United States and are regulated by the Clean Water Act Sections 301(a) and 402. 33 U.S.C. §§ 1311(a), 1342;
- **K. WHEREAS**, the Parties entered into a Consent Decree entered by this Court on December 2, 2022;

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as payment for civil penalties associated with violations of the CWA alleged by

1	Coastkeeper and to address all subsequent actions taken by Hixson to comply with the		
2	terms of this Consent Decree. The payment shall be within thirty days of entry by the		
3	Court of this Third Amendment. The payment to the United States Treasury shall be		
4	made in accordance with provided payment instructions referencing this Consent Decree.		
5	Hixson shall provide Coastkeeper with a copy of such payment and copy Coastkeeper		
6	and its attorneys on any related correspondence."		
7	3. All other provisions of the Consent Decree shall remain in full force		
8	and effect, unaltered by this Third Amendment.		
9	IN WITNESS WHEREOF, the undersigned have executed this Third		
10	Amendment as of the date first set forth below.		
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12	APPROVED AS TO CONTENT		
13			
14	Dated: December 20 , 2024 By: Levy Bourn		
15	Garry Brown		
16	Orange County Coastkeeper		
17			
18	Dated: 12-08, 2024 By: A By: A Green		
19	Names Douglas C. Greene		
20	Title: President, Hixson Metal Finishing		
21	Cullen		
22	Dated: 1-14-25, 2025 By:		
23	Bhullar Trust dtd 10-17-01 as successor to		
24	Adam Mikkelsen, Manager		
25	FPC Management LLC		
26			
27	Dated: 12-30, 2024 By:		
28	Name: Reid Washbon		

Title: Trustee, Reid Washbon Trust

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AMENDMENT TO CONSENT DECREE

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6	APPROVED AS TO FORM	
7		ORANGE COUNTY COASTKEEPER
8	Dated: December 20, 2024	Soral- L. Soimai
9	Dated. <u>2024</u>	Sarah Spinuzzi
10		Attorney for Plaintiff
11		Orange County Coastkeeper
12		CTH EC DOMEDOW LLD
13		STILES POMEROY LLP
14	Dated: January 14, 2025	By: Cole Homeson
15		Name: Charles H. Pomeroy Title: Attorney for Defendants
16		•
17	IT IS SO ORDERED.	UNITED STATES DISTRICT COURT
18		CENTRAL DISTRICT OF CALIFORNIA
19	Dated: January 28, 2024	Janus 7/ Jelum
20		Honorable James V. Selna
21		, and the second
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