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8 Attorneys for Defendants
9 AEROJET ROCKETDYNE, INC. and
10 CORDOVA CHEMICAL COMPANY

11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 AEROJET-GENERAL CORPORATION and
17 CORDOVA CHEMICAL COMPANY,

18 Defendants.

19 AND RELATED ACTION.

Civil Case No.: CIVS-86-0063-GEB

20 **STIPULATION AND ORDER**
21 **RE: PARTIAL CONSENT**
22 **DECREE PROVISION**
23 **RELATING TO EXHIBIT I-4**
24 **LAND**

25 WHEREAS, this Court entered a Partial Consent Decree (“PCD”) on June 23, 1989, by
26 and among Plaintiffs, the United States of America and the State of California, on the one hand,
27 and Defendants, Aerojet Rocketdyne, Inc. (formerly named Aerojet-General Corporation) and
28 Cordova Chemical Company (collectively, “Aerojet”), on the other hand, which has been
modified from time to time;

WHEREAS, Paragraph 5(A)(1)(c) of the Partial Consent Decree establishes the basis for
when a location of Exhibit I-4 Land is to be included in an obligation to complete a Remedial
Investigation/Feasibility Study (“RI/FS”):

1 (c) Any location on Exhibit I-4 land to the extent that Aerojet contributed
2 hazardous substances at the location and

3 (i) the total amount of hazardous substances contributed by
4 potentially responsible parties, including Aerojet, is de minimis as provided
5 in Section 122(q)(1)(A) of CERCLA; and

6 (ii) Aerojet or Plaintiffs discover such release or threat of release of
7 hazardous substances while taking action pursuant to this Decree.

8 WHEREAS, the RI/FS process under the Partial Consent Decree has been ongoing since
9 1989 and subparagraph (c) of Paragraph 5(A)(1) has never been invoked, and no source has
10 been so identified under Paragraph 5(A)(1)(c);

11 WHEREAS, the PCD only pertains to the RI/FS process, and any subsequent remedial
12 action would have to be conducted under an additional enforcement mechanism;

13 WHEREAS, the inclusion of the I-4 land in the PCD at Paragraph 5(A)(1)(c) creates a
14 cloud on the title of this land, and if a source area were ever to be discovered on Exhibit I-4 land
15 for which Aerojet is responsible, there are other enforcement authorities that the Agencies may
16 invoke that are not impaired by this Stipulation and Order;

17 WHEREAS, the Parties agree that the PCD shall be modified to delete subparagraph (c)
18 of Paragraph 5(A)(1) and Exhibit I-4, as well as the reference to Exhibit I-4 in the Table of Contents.
19 A copy of the current PCD pages containing Paragraph 5(A)(1)(c), Exhibit I-4 and the Table of
20 Contents are attached herein as Attachment 1 for reference; and

21 WHEREAS, the Parties agree that the deletion proposed herein does not eliminate or
22 impair any enforcement authority of the United States or the State of California under applicable
23 law as to any release or threat of release of hazardous substances except to the extent that the
24 United States and the State of California are agreeing to release Aerojet from its obligations as to
25 Exhibit I-4 Land under the PCD.

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1 NOW, THEREFORE, in light of the foregoing recitals:

2 IT IS HEREBY STIPULATED by the Parties through their respective attorneys of record
3 that:

4 1. Subparagraph (c) of Paragraph 5(A)(1) of the PCD be deleted such that the
5 following language no longer be included in the PCD:

6 *c) any location on Exhibit I-4 land to the extent that Aerojet contributed*
7 *hazardous substances at the location and*

8 *(i) the total amount of hazardous substances contributed by*
9 *potentially responsible parties, excluding Aerojet, is de minimis as provided*
10 *in Section 122(q)(1)(A) of CERCLA; and*

11 *(ii) Aerojet or Plaintiffs discovers such release or threat of release of*
12 *hazardous substances while taking action pursuant to this Decree.*

13 2. Exhibit I-4 be deleted from the PCD and the reference to Exhibit I-4 in the Table
14 of Contents to the PCD be deleted; and

15 3. This Stipulation does not eliminate or impair any enforcement authority of the
16 United States or the State of California under applicable law as to any release or threat of release
17 of hazardous substances.

18
19 **IT IS SO STIPULATED.**

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21 DATED: May 22, 2015

COVINGTON & BURLING LLP

22 By /s/ Lawrence A. Hobel

23 Lawrence A. Hobel

24 Attorneys for Defendants

AEROJET ROCKETDYNE, INC. and

25 CORDOVA CHEMICAL COMPANY

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1 DATED: May 22, 2015

UNITED STATES DEPARTMENT OF JUSTICE

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3
4 By /s/ Cheryl A. Luke
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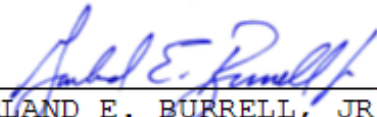
11 DATED: May 22, 2015

KAMALA D. HARRIS
12 Attorney General of California
13 ROBERT W. BYRNE
14 Senior Assistant Attorney General

15 By /s/ Tracy L. Winsor
16 Tracy L. Winsor
17 Supervising Deputy Attorney General
18 Attorneys for CALIFORNIA CENTRAL
19 VALLEY REGIONAL WATER QUALITY
20 CONTROL BOARD and DEPARTMENT OF
21 TOXIC SUBSTANCES CONTROL (as
22 successor-in-interest to State Department of
23 Health Services)

22 **IT IS SO ORDERED.**

23 **Dated: May 22, 2015**

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26 GARLAND E. BURRELL, JR.
27 Senior United States District Judge
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