

Exhibit 1

Stipulation and Proposed Order
Amending Consent Decree

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA)
and STATE OF INDIANA,)
)
Plaintiffs,)
)
v.)
)
THE ENVIRONMENTAL)
CONSERVATION AND CHEMICAL)
CORPORATION, et al.,)
)
Defendants.)

Civil Action No. 83-cv-1419-LJM-MJD

**STIPULATION AND
ORDER AMENDING CONSENT DECREE AND MODIFYING EXHIBIT A**

WHEREAS, on September 10, 1991, this Court entered a Consent Decree executed by the United States of America on behalf of the United States Environmental Protection Agency (“EPA”), the State of Indiana (the “State”), and approximately 235 defendants in this action. The Consent Decree required defendants to implement the remedy for hazardous substance contamination at the Environmental Conservation and Chemical Corporation Superfund Site (hereinafter, the “ECC Site” or the “Site”) near Zionsville, Indiana, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9601 *et seq.*;

WHEREAS, EPA selected the remedy in a 1991 Amended Record of Decision (“ROD”) that called for implementation of a remedial action pursuant to Section 104 of CERCLA. *See* 42 U.S.C. §§ 9601(25) and 9604(a).

WHEREAS, in 1998 the Court approved an amendment to the Consent Decree (“1998 CD Amendment”) (dated May, 7, 1998 and attached as Exhibit 1) that deleted

Section V.B.2 of the Consent Decree thereby leaving a smaller number of settling defendants to implement the remedy (hereinafter “Settling Defendants”). The Settling Defendants, EPA, and the State are collectively referred to as the “Parties”;

WHEREAS, the remedial action selected by the ROD consisted of, *inter alia*, installing and operating a soil vapor extraction (“SVE”) system to treat contamination in the soil and groundwater and a Resource Conservation and Recovery Act– compliant cover over certain areas where hazardous substances were present (“RCRA Compliant Cap”);

WHEREAS, Section VI.E of the Consent Decree established that Settling Defendants shall initiate, perform, and complete the work necessary to complete the remedial action and as defined by the Consent Decree (“the Work”), in accordance with the Remedial Action Plan approved by EPA, termed Exhibit A;

WHEREAS, Exhibit A to the Consent Decree was incorporated by reference into and made an enforceable part of that Decree;

WHEREAS, the 1998 CD Amendment amended Sections XVII, XII, V, and VI of the Decree and deleted Exhibit A of the Consent Decree and replaced it with a revised Remedial Action Plan termed “Revised Exhibit A, May 7, 1997, Revision 2” known as Revised Exhibit A (hereinafter referred to as “1998 Revised Exhibit A”)¹ which was later modified in 1999 and 2006;

WHEREAS, in 1999 this Court approved a stipulation (Dkt. No. #116) that modified the 1998 Revised Exhibit A to add “Design Change for RCRA Compliant Cap

¹ This 1998 Stipulation and Joint Motion to Amend Consent Decree also deleted and replaced Exhibit B to the Consent Decree.

and Modification of Exhibit A” (Dkt. No. 118) (hereinafter referred to as “1999 Modification of 1998 Revised Exhibit A”);

WHEREAS, pursuant to Section VII, Paragraph A of the Consent Decree if, after five years of operation of the remedy, EPA determines after consultation with the State, that the requisite cleanup standards have not been achieved, the Settling Defendants agree to implement additional work (“Additional Work”) as specified in Section 3.3. of 1998 Revised Exhibit A, unless the Parties agree otherwise;

WHEREAS, the Additional Work in the 1998 Revised Exhibit A required, among other work included, installation of a collection trench at the perimeter of the Site to prevent contaminated water from migrating by capturing it for treatment and disposal;

WHEREAS, Section VI, Paragraph F of the Consent Decree provides that Settling Defendants shall implement Additional Work, upon EPA approval (after consultation with the State) of deliverables that are to be submitted for any Additional Work;

WHEREAS, in March 2003, EPA determined, after consultation with the State, that the remedial action had not achieved the requisite cleanup standards;

WHEREAS, in 2005, the Parties notified this Court (Dkt. No. 123) that: (1) the SVE remedy failed to meet cleanup standards, so that the Additional Work set forth in the 1998 Revised Exhibit A was triggered; and (2) the Parties expected to develop agreed modifications to the Additional Work as set forth in the 1998 Revised Exhibit A (Dkt No. 118);

WHEREAS, on February 2, 2006, this Court approved (Dkt. No. 124) the Parties’ stipulation that modified the Additional Work in the then 1998 Revised Exhibit A to include the construction of a thin barrier curtain wall, which the Parties believed would

more effectively contain groundwater and prevent migration than the membrane trench liner described in the original Additional Work set forth in the 1998 Revised Exhibit A (Dkt. No. 124) (hereinafter referred to as 2006 Modification to 1998 Revised Exhibit A);

WHEREAS, consistent with the Consent Decree, the Additional Work in the 1998 Revised Exhibit A, as modified by the 2006 Modification to 1998 Revised Exhibit A, continued to include, *inter alia*, the collection and transport of subsurface water intercepted in the trench and continued removal and handling of the water in the manner prescribed in the 1998 Revised Exhibit A;

WHEREAS, Sections VI and VII of the Consent Decree, as amended by the 1998 CD Amendment, requires Settling Defendants to perform and complete the Work and Additional Work, as necessary to complete the remedial action at the Site in accordance with the 1998 Revised Exhibit A, which, as described above, was later modified in 1999 and 2006 (hereinafter referred to as the “Combined Exhibit A”);

WHEREAS, the Consent Decree, as amended in the 1998 CD Amendment, as well as Combined Revised Exhibit A establish the Work and Additional Work that Settling Defendants are currently required to perform at the Site;

WHEREAS, after numerous discussions, the Parties agreed that, in order to ensure that the remedy remains protective of human health and the environment, the Additional Work prescribed in the Combined Revised Exhibit A, as provided for in Section VII of the Consent Decree, should be further modified: (1) to substitute along the same general alignment as the original ground water collection trench, dual phase SVE trenches to capture and treat contamination near the trenches; (2) to include the barrier wall that was the subject of the 2006 Modification to 1998 Revised Exhibit A; (3) to

collect and treat subsurface and till water and soil vapors via the augmented SVE trench system; and (4) after SVE operation, to treat trench system till water using the permeable reactive gate system (“PRGS”);

WHEREAS, on June 28, 2006, EPA published for public comment an Explanation of Significant Differences (“ESD”) that modified the ROD pursuant to Section 117 of the CERCLA, 42 U.S.C. § 9617, proposing changes to the Additional Work, including those described in the preceding Paragraph and explaining that it would not fundamentally alter the remedial action and on September 15, 2006, after determining that none of the comments it received required any further changes, EPA issued the final ESD adopting the changes to the Additional Work, including those described in the preceding Paragraph;

WHEREAS, Settling Defendants submitted to EPA a proposal for additional work in a design document entitled Attachment Z-1, intending it would one day be a workplan used to effectuate the Additional Work as modified by the ESD and supplement the Combined Revised Exhibit A of the Consent Decree;

WHEREAS, the ESD stated, “If U.S. EPA decides (in consultation with IDEM) [the Indiana Department of Environmental Management] to proceed with the remedy provided for in this ESD, the Agencies and the PRPs [Settling Defendants] will seek to amend the Consent Decree to substitute the revised Additional Work provisions outlined in this ESD and in Exhibit Z-1 for the Additional Work provisions of Revised Exhibit A.”

WHEREAS, sometime after the ESD was issued in 2006, negotiations to amend the Consent Decree stalled, the Parties never reached full agreement on Attachment Z-1

nor a Consent Decree amendment, and those documents were never finalized to lodge with this Court;

WHEREAS, in order to expedite the environmental benefits provided by the Additional Work as set forth in the final ESD, the Parties proceeded in good faith to implement those measures consistent with the purpose of the Consent Decree to assure protection of human health and the environment, so that the elements described in EPA's September 15, 2006 ESD were constructed and operated as Additional Work consistent with Section VII of the Consent Decree;

WHEREAS, after installation of the PRGS in 2008, the Parties determined around 2011 that the PRGS system was not adequate and that the operation of the PRGS and the dual phase SVE system was being adversely affected by, among others, the larger volumes of water than expected in the trench system after precipitation events;

WHEREAS, in 2012, the operation of the SVE and active dewatering was suspended to allow for the investigation of the sources of the additional water in the trenches and groundwater conditions. Thereafter, water passively collected in the trenches, and as levels rose, was allowed to flow by gravity via previously installed piping to the on-Site collection sump and then pumped from the sump to the treatment facility for treatment before discharge;

WHEREAS, in 2016, after completion of the investigation of the sources of the excess water in the trench system particularly after precipitation events, the Parties agreed to additional measures to reduce flows to the trench system and to address contamination that had recently been detected migrating from the Site to an area south of the Site;

WHEREAS, the Parties now agree on certain components of further Additional Work to be performed consistent with the Combined Revised Exhibit A, and the Additional Work clause in Section VII of the Consent Decree as described below and to be documented in another modification to Exhibit A, termed “2024 Exhibit A Update”;

WHEREAS, components of the Additional Work pursuant to the Combined Revised Exhibit A include: (a) resumption of active pumping in SVE trench 1, if EPA determines that it is needed, and continued active pumping of SVE trench 6 (the southernmost trench); (b) implementing improvements to the treatment plant; (c) installation of two extraction wells as part of the system to begin controlling and treating groundwater south of the Site; (d) cap extensions made up of several layers of various materials that will extend the original cap to the south and include drainage improvements; and (e) evaluating, developing, and implementing further modifications to the remedy and the Additional Work to remediate contamination at or from the Site long-term;

WHEREAS, Settling Defendants have submitted various deliverables to EPA and EPA has taken various actions on the components of the Additional Work described in the preceding Paragraph:

- for component (a) referenced above, the Settling Defendants submitted the “Work Plan For Active Pumping Of ASVE Trench 6” on August 31, 2021, which EPA approved on September 17, 2021 (hereinafter “Active Pumping Plan”);
- for component (b) referenced above, the Settling Defendants submitted the “Basis of Design for Groundwater Treatment System Improvements Rev 1” on August 4, 2023, which EPA approved on September 6, 2023, as to technical aspects with authorization to proceed pending entry of this Stipulation and Order (hereinafter “Replacement Treatment Plant Design”);

- for components (b) and (c) referenced above, the Settling Defendants submitted the “Water Collection Manhole Conveyance Line Work Plan” on August 21, 2023, which EPA approved on November 16, 2023, as to technical aspects with authorization to proceed pending entry of this Stipulation and Order (hereinafter “Conveyance Line Plan”);
- for component (c) referenced above, in 2022 and 2023 EPA (in consultation with the State) provided authorization for the Settling Defendants to proceed with the Additional Work outlined in the “Revised Extraction Well Installation Work Plan and Response to Comments of November 1, 2022” which EPA modified and approved in June 2023 as to technical aspects and issued authorization to proceed pending entry of this Stipulation and Order (hereafter “Revised Extraction Wells Plan”);
- for component (d) referenced above, Settling Defendants submitted the “Revised Cap Extensions with Drainage Improvements Construction Design Report August 2022,” (hereinafter “Revised Cap Extensions Report”), which EPA approved on July 17, 2023, as to technical aspects and issued authorization to proceed pending entry of this Stipulation and Order.²

WHEREAS, in relation to component (e) referenced above, to remediate contamination long-term, Settling Defendants shall pursuant to Section VI.F of the Consent Decree, within 90 days of the filing of this 2024 Stipulation and Order Amending Consent Decree and Modifying Exhibit A with the Court, submit for EPA review and approval (in consultation with the State) a revised draft Remedial Alternatives Analysis Report evaluating alternatives, in accordance with the process delineated in CERCLA, the National Contingency Plan, and related EPA guidance, to ensure remediation of contamination at and from the Site long-term;

WHEREAS, based on an EPA-approved Remedial Alternatives Analysis Report and other relevant information, EPA plans to issue a decision document (in consultation

² The drainage improvements include subsurface drainage control elements in areas to the south of the existing cap; a storm water runoff management system for capped areas; a shallow cutoff wall; and a slope reinforcement system for a steep embankment area beyond the cap limits. When implemented, the cap extensions are expected to, among other impacts, reduce the volume of water collected in the trench system after heavy precipitation events, and help collection systems to better reduce the mass flux of contamination migrating to groundwater south of the Site.

with the State) selecting an amended remedy to assure remediation of contamination at and from the Site long-term;

WHEREAS, following any issuance by EPA of a decision document selecting the amended remedy for the Site and EPA's review and approval (in consultation with the State) of a Revised Remedial Action Plan to implement the amended remedy, the Parties intend that the approved Revised Remedial Action Plan will supersede the Combined Revised Exhibit A and the 2024 Exhibit A Update below creating the most recent, up-to-date, and comprehensive version of the remedy for the Site;

WHEREAS, pursuant to Section VI, Paragraphs E, F, and H.2, and Section VII, of the Consent Decree Settling, Defendants shall implement the Work and Additional Work set forth in the Combined Revised Exhibit A as well as the Additional Work set forth below in this Stipulation and Order (see below proposed section 3.4 2024 Exhibit A Update addition to Combined Revised Exhibit A);

WHEREAS, all documents submitted for approval by EPA are subject to approval, conditional approval, modification, or disapproval as described in Section IX of the Consent Decree;

WHEREAS, the Consent Decree provides in Section VI Paragraph H.2 that "If the Plaintiffs and Settling Defendants agree, modification of Exhibit A may be effectuated by written stipulation filed with the Court";

WHEREAS, the Parties are herewith filing such a written stipulation;

1. Section 3 of the Combined Revised Exhibit A shall be amended to include the below Section 3.4:

Section 3.4 2024 Exhibit A Update

Upon entry by the Court of the 2024 Stipulation and Order Amending Consent Decree and Modifying Exhibit A Settling Defendants shall, pursuant to Section 3.3 of this Exhibit A and Section VII of the Consent Decree, implement, unless and until any modifications are approved by EPA, the Additional Work described in Sections 3.4.1 through 3.4.4 below.

3.4.1. Settling Defendants shall implement the Active Pumping Plan and if EPA determines it is necessary the active pumping in trench 1, and continue collection of water samples for laboratory analysis from all wells at the Site. Monitoring (sampling and water-level measurement) of wells/piezometers will be conducted on a quarterly basis until EPA determines, in consultation with IDEM, that sampling on a semi-annual basis may be resumed. EPA's assessment and determination is planned to occur through the Five-year Review (FYR) process, or may occur sooner if EPA finds the data sufficient, and be documented in the FYR report. If pumping trenches 1 and 6 is ineffective at removing water, Settling Defendants shall work with EPA to propose alternative solutions for remediation.

3.4.2. Settling Defendants shall implement the Replacement Treatment Plant Design and Conveyance Line Plan in accordance with the approved schedules under that Design and Plan.

3.4.3. Settling Defendants shall implement the Revised Extraction Wells Plan in accordance with the approved schedules thereunder, including the installation of the first two ground water extraction wells south of the Site, and after completion of the Additional Work summarized in 3.4.1, begin operating, the first two ground water extraction wells, screened across the Sand & Gravel layer.

3.4.4. Settling Defendants shall implement the approved Revised Cap Extension Report in accordance with the approved schedules thereunder.

3.4.5. Within 90 days of the filing of the 2024 Stipulation and Order Amending Consent Decree and Modifying Exhibit A with the Court, Settling Defendants submit for approval by EPA (in consultation with the State) as Additional Work under Section VII of the Consent Decree a draft Revised Remedial Alternatives Analysis Report evaluating alternative remedies to assure remediation of contamination at and from the Site long-term, including responses to all comments made by EPA and the State on the November 30, 2020 draft Remedial Alternatives Analysis Report. The alternatives analysis shall include, but not be limited to, consideration of a

combined hydraulic capture and bioaugmented recirculation system incorporating the extraction wells to be installed with an additional extraction well or wells downgradient of the Site if required.

3.4.6. Within 90 days after any future EPA decision document selecting an amended remedy for the Site is signed, Settling Defendants shall submit for EPA approval (in consultation with the State) a Work Plan for the Remediation of Contaminants, including a schedule specifying installation dates and targeted completion dates, to implement the EPA selected remedy. Once the Work Plan is approved by EPA (in consultation with the State), the Parties will work together to effectuate that Work Plan as a Revised Remedial Action Plan with the intention that it will replace this Exhibit A in its entirety, creating the most recent, up-to-date, and comprehensive version of the remedy at the Site.

3.4.7. All documents submitted for approval by EPA are subject to approval, conditional approval, modification, or disapproval as described in Section IX of the Consent Decree.

3.4.8. Monthly progress reports as described in Section XII of the Consent Decree continue to be due until completion of the Work and Additional Work described and referenced in the Consent Decree, unless the reporting period is modified as provided in Section XII.A of the Consent Decree, or as otherwise agreed to in writing by the Parties.

WHEREFORE the Parties jointly request that the Court approve entry of the proposed amendments to the Consent Decree as set forth below;

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

1. All references to the Exhibit A in the 1991 Consent Decree that were deemed to refer to “Revised Exhibit A, May 7, 1997, Revision 2” submitted by the parties as an attachment to the 1998 Stipulation and Joint Motion To Amend Consent Decree are now deemed to refer to “Revised Exhibit A, May 7, 1997, Revision 2” as amended by the 1999 Modification of 1998 Revised Exhibit A, the 2006

Modification to 1998 Revised Exhibit A (i.e., the “Combined Revised Exhibit A”), and this 2024 Exhibit A Update.

2. Section XVI.C of the Consent Decree is hereby deleted and replaced as follows:

Settling Defendants shall pay all response costs of the United States and the State which are not inconsistent with the NCP incurred after the entry of this Consent Decree in overseeing implementation of the Work and, if necessary, Additional Work (hereafter, “oversight costs”); provided, however, Settling Defendants shall not be liable for paying government oversight costs in excess of \$850,000 incurred in overseeing the Work and paid by the United States prior to Dec. 2, 2003 and paid by the State prior to Jan. 1, 2009. Response costs incurred by the United States after Dec. 2, 2003 in overseeing implementation of Additional Work, if any, and in seeking to enforce the terms of this Decree, shall not be subject to the \$850,000 limit in the preceding sentence. Payments shall be made within 30 days of the submission of itemized cost statements and supporting documentation by the United States and the State.

3. Sections XVI of the Consent Decree is amended to add a subsection G as follows:

Payments to the State of Indiana by Settling Defendants pursuant to this Decree shall reference IDEM site number 7500014 and the address for payment shall be changed to:

Indiana Department of Environmental Management
P.O. Box 3295
Indianapolis, Indiana 4620-3295

IDEM will also accept payments online by e-Check, Master Card, Visa or Discover. Please visit www.in.gov/idem. Under Online Services, click Online Payment options and follow the prompts. Alternatively, IDEM accepts credit card payments at 317-234-3099 and follow the instructions for Master Card, Visa or Discover payments. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1.00 will be charged for e-Check payments.

Payments to EPA may be made in accordance with the instructions accompanying EPA’s billing letters.

4. Sections XVIII. of the Consent Decree is amended to add Paragraph F as follows:

- F. The Settling Defendants have paid to the State \$37,842.41 in full settlement of the claims of the State for its oversight costs paid or incurred at the Site prior to January 1, 2009. The State, having received the \$37,842.41, waives, releases, and discharges the Settling Defendants from any and all claims from the beginning of time for all oversight costs the State paid or incurred prior to January 1, 2009 at or in relation to the ECC Site.
5. Sections XVII.A.2 of the Consent Decree is deleted and replaced as follows:
2. Delayed Work. For each day that any major milestone in Exhibit A or any of the Work and Additional Work identified in Paragraphs a through c below is delayed: Settling Defendants shall pay \$1,500 for the first 7 days; \$4,000 for the 8th through 30th days; \$6,500 for the 31st through the 60th day; and \$9,000 a day after the 60th day.
- a. Completion of Additional Work, pursuant to Section VII of this Decree, of active pumping to remove water that may be collected in SVE trench 1, if EPA determines it is necessary, and in trench 6, including dewatering of trench sumps and pipes, and collection of water samples for laboratory analysis from all wells at the Site on a quarterly basis, until and unless EPA approves an alternative monitoring frequency.
- b. Completion of the Work and Additional Work required pursuant to Sections VI and VII of this Decree, including Additional Work provided for in the 2024 Stipulation and Order Amending Consent Decree and Modifying Exhibit A, including as described in the Active Pumping Plan, Replacement Treatment Plant Design, the Conveyance Line Plan, the Revised Extraction Wells Plan, and the Revised Cap Extensions Report unless and until any modification is approved by EPA.
- c. Submission of all documents necessary to perform Work and Additional Work required under Sections VI and VII of this Decree, including the submission of the Revised Remedial Alternatives Analysis Report and the Work Plan for the Remediation of Contaminants.
6. Except as provided above, the 1991 Consent Decree as amended in 1998 and with modifications to its exhibits in 1999 and 2006 remains in full force and effect.
7. This 2024 Stipulation and Order Amending Consent Decree and Modifying Exhibit A shall be lodged with the Court for a period of not less than 30 Days for public notice and comment. The United States reserves the right to withdraw or withhold its consent if the comments regarding this amendment and modification disclose facts or

considerations indicating that the amendment and modification is inappropriate, improper, or inadequate. Settling Defendants consent to entry of this amendment and modification without further notice and agree not to withdraw from or oppose entry of this amendment and modification by the Court or to challenge any provision of the amendment and modification, unless the United States has notified Settling Defendants in writing that it no longer supports entry of the amendment and modification.

SO ORDERED THIS ____ DAY of _____, 20__.

Hon: _____
UNITED STATES DISTRICT JUDGE

Signature Page for United States of America for Stipulation and Order to Modify Consent Decree in *U.S. and Indiana v. Environmental Conservation and Chemical Corporation et. al.* Civil Action No. IP 83-1419-C-M/S (S.D. Ind.)

UNITED STATES OF AMERICA

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division

Date: January 16, 2025

/s/ Bonnie A. Cosgrove
BONNIE A. COSGROVE
Trial Attorney
Environmental Enforcement Section
Environment and Natural
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Signature Page for U.S. EPA for Stipulation and Order to Modify Consent Decree in *U.S. and Indiana v. Environmental Conservation and Chemical Corporation et. al.* Civil Action No. IP 83-1419-C-M/S (S.D. Ind.)

FOR THE U.S. ENVIRONMENTAL
PROTECTION AGENCY:

DOUGLAS
BALLOTTI

 Digitally signed by DOUGLAS
BALLOTTI
Date: 2025.01.15 15:55:53 -06'00'

Douglas Ballotti
Director, Superfund & Emergency Management Division
U.S. Environmental Protection Agency
Region 5



1/15/25

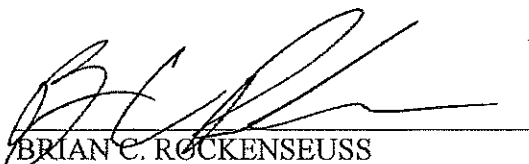
Amanda Urban
Associate Regional Counsel
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Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Signature Page for State of Indiana for Stipulation and Order to Modify Consent Decree in *U.S. and Indiana v. Environmental Conservation and Chemical Corporation et. al.* Civil Action No. IP 83-1419-C-M/S (S.D. Ind.)

STATE OF INDIANA

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

10/31/24
Date


BRIAN C. ROCKENSEUSS

Commissioner
Indiana Department of Environmental Management
100 North Senate Street
P.O. Box 6015
Indianapolis, IN 46206

Approved as to form and legality:

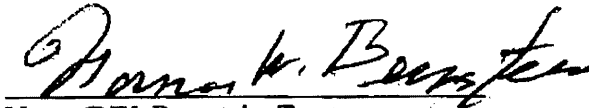
INDIANA ATTORNEY GENERAL

11/26/2024
Date

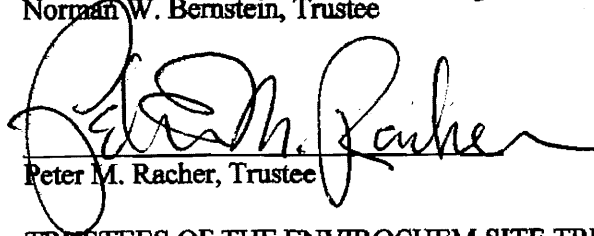

PATRICIA ORLOFF ERDMANN

Chief Counsel for Litigation
Office of Indiana Attorney General Todd Rokita
402 West Washington Street
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Indianapolis, IN 46204

The undersigned certify that they are fully authorized on behalf of the Settling Defendants³ to enter into the terms of this Stipulation and Order Modifying Consent Decree and to legally bind the Settling Defendants to the above-referenced modifications of Revised Exhibit A to the Consent Decree in *United States and State of Indiana v. The Environmental Conservation and Chemical Corporation, et al.* Civil Action No. IP 83-1419-C M/S(S.D. Ind.)



Norman W. Bernstein, Trustee



Peter M. Racher, Trustee

TRUSTEES OF THE ENVIROCHEM SITE TRUST
FUND, ON BEHALF OF THE SETTLING
DEFENDANTS

³ Settling Defendants, for purposes of this Stipulation and Order, are the companies or their successors and assigns that remained after the May 1998 Consent Decree Amendment, excluding Federal-Mogul Corporation, General Motors Corporation, Dana Corporation, Carpenter Body Works, Inc. and Potter Paint Co. of Indiana, Inc.