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U.S. DISTRICT COURT DISTRICT OF IDA Filled at

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CLERK, U.S. DISTRICT COURT

U.S. COURTS

IN THE UNITED STATES DISTRICT COURTRED

FOR THE DISTRICT OF IDAHO

STATE OF IDAHO, et al.

Plaintiffs,

CONSOLIDATED CASE NO. 83-4179(R)

v.

THE M.A. HANNA COMPANY, et al.

AMENDMENT TO CONSENT DECREE

AND RELATED CASES AND CLAIMS

The Consent Decree dated April 28, 1995 and lodged with Court on April 28, 1995 is incorporated herein by this reference and is hereby amended to include Machinery Center Inc., a Utah Corporation as a Settling Defendant and a party to the Decree by making the following amendments:

- Page 6, section IV, paragraph 3, subparagraph w, after the words "Alumet Corporation" on line three of the paragraph, insert "Machinery Center, Inc.".
- Page 8, section V, paragraph 5, insert after subsection f, a new subsection "g" as follows: "g. The predecessors to Machinery Center, Inc., defined only for purposes of this Consent Decree as the Roger V. Pierce Testamentary Trusts, West One Trust Company and West One Bank, Utah, are liable to the extent of the terms of the separate Settlement Agreement between the Settling Defendants and the Roger V. Pierce Testamentary Trusts, West One Trust Company and West One Bank, Utah, which Settling Defendants have agreed to file with the Court.".

- 3. Page 33, section XXV, paragraph 78, after the words "United States," on line two of the paragraph delete "Machinery Center, Inc.". Insert the following at the end of the paragraph after the words "new or reopened proceedings": The predecessors in interest to Machinery Center Inc. (defined for the purposes of this Consent Decree only as the Roger V. Pierce Testamentary Trusts, West One Trust Company and West One Bank, Utah) release and covenant not to file any civil claim against the United States or the State of Idaho relating to the matters raised in the litigation before the United States District Court for the District of Idaho, State of Idaho et al. v. M.A. Hanna Company, et al., Civ No. 83-4179 (D. Idaho) and United States v. Blackbird Mining Company Limited Partnership, et al., Case No. CV 93-235-E-HLR (D. Idaho)."
- 4. Page 34, section XXVII, paragraph 83, after the words "Settling Defendants" on line two of the paragraph insert "and the predecessors in interest of Machinery Center, Inc., defined for the purposes of this Consent Decree only as the Roger V. Pierce Testamentary Trusts, West One Trust Company and West One Bank, Utah".
- 5. Page 34, section XXVII, paragraph 85, before the words "Pechiney Corporation" on line five of the paragraph delete the "and". After the words "Pechiney Corporation" on line five of the paragraph insert: "and Machinery Center, Inc. and its predecessors in interest, defined for the purposes of this

Consent Decree only as the Roger V. Pierce Testamentary Trusts, West One Trust Company, and West One Bank, Utah.".

6. Pages 36-37, section XXX, paragraph 91, at the end of the list of parties to be noticed add:

"John A. Dahlstrom
J. Derek Dahlstrom
American Plaza One
77 W. 2nd South, #212
Salt Lake City, Utah 84101

Jay Deering
President
Machinery Center, Inc.
P.O. Box 964
Salt Lake City, UT 84110"

7. Page 38, section XXXIV, paragraph 99, at the end of the list of persons authorized to accept service for Settling Defendants insert:

"On behalf of Machinery Center, Inc.:

John A. Dahlstrom
J. Derek Dahlstrom
American Plaza One
77 W. 2nd South, #212
Salt Lake City, Utah 84101
(801) 355-4252"

All other provisions of the original decree, including exhibits, remain unchanged.

By signing below the parties stipulate to and agree to be bound by the foregoing Amendment to Consent Decree and stipulate to and agree to be bound by the existing Consent Decree lodged with the Court on April 28, 1995 as amended herein.

FOR THE UNITED STATES OF AMERICA

LOIS V. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division

DATED this Sth day of June, 1995.
By: IDAHO F. State OF IDAHO By:
Its: Governor
STATE OF
COUNTY OF <u>ada</u>)
on the the day of the first the first who, being by me duly sworn, did state that she/he is the foremore that she/he is duly authorized and empowered to execute the above and foregoing Amendment to Consent Decree on behalf of the State of Idaho, and said individual acknowledged to me that the State of Idaho executed the same.
and the Beate of Idano executed the same.
NOTARY PUBLIC
Residing at: Baise Ada, Idah,
My Commission Expires
THE OF TOPHISM

DATED this	June day of May, 1995.
	NORANDA MINING INC.,
	Its: Vice President
PROVINCE	Its: Vice President
STATE OF ONTARIO	
COUNTRY CANADA)ss.	· wo
on this day of before me R.G Metka did state that she/he is the Mining, Inc., that she/he has Amendment to Consent Decree, on behalf of Noranda Mining, Amendment to Consent Decree of the Mining of Moranda Mining, Amendment to Consent Decree of the Mining of Moranda Mining, Amendment to Consent Decree of the Mining of Moranda Mining, Amendment to Consent Decree of the Mining of the	Alleman
	NOTARY PUBLIC
·	Residing: Toronto, Ontario
My commission expires: is for	life:
HILLAR J. PINIMA A Notary Public in and for the Province of Ontario	

	DATED this /2 /L day of May, 1995.
	NORANDA MINING INC., GENERAL PARTNER, ON behalf of BLACKBIRD MINING COMPANY
	By: Amoth
	Its: Vhe President
	PROVINCE -STATE-OF ONTARIO) COUNTRY)SS.
	COUNTY OF CANADA)
	On this 24 day of May, 1995, personally appeared before me R.G. Metka, who, being by me duly sworn, did state that she/he is the Vice President of Noranda Mining, Inc., the General Partner of Blackbird Mining Company,
	that she/he has read the above and foregoing Amendment to Consent Decree, that he is duly authorized for and on behalf of Blackbird Mining Company Enterprises, Inc. to execute the foregoing Amendment to Consent Decree on behalf of Blackbird Mining Company and said R.G. Metka acknowledged to me that Noranda Mining, Inc., the General Partner of Blackbird Mining Company, executed the same.
•	Decree, that he is duly authorized for and on behalf of Blackbird Mining Company Enterprises, Inc. to execute the foregoing Amendment to Consent Decree on behalf of Blackbird Mining Company and said R.G. Metka acknowledged to me that Noranda Mining, Inc., the General Partner of Blackbird Mining Company, executed the same.
•	Decree, that he is duly authorized for and on behalf of Blackbird Mining Company Enterprises, Inc. to execute the foregoing Amendment to Consent Decree on behalf of Blackbird Mining Company and said R.G. Metka acknowledged to me that Noranda Mining, Inc., the General Partner of Blackbird Mining Company, executed the same.
	Decree, that he is duly authorized for and on behalf of Blackbird Mining Company Enterprises, Inc. to execute the foregoing Amendment to Consent Decree on behalf of Blackbird Mining Company and said R.G. Metka acknowledged to me that Noranda Mining, Inc., the General Partner of Blackbird Mining Company, executed the same. NOTARY PUBLIC Residing: Toronto, Ontario

DATE	D this/3+h d	June ay of May, 1995.
		NORANDA EXPLORATION, INC., By:
PROVINCE STATE- OF COUNTRY	ONTARIO)	Its: Secretary
Exploration Amendment on behalf Amendment	that she/he is the to Consent Decree, to Consent Decree to Consent	Secretary of Noranda has read the above and foregoing hat he is duly authorized for and on, Inc., to execute the foregoing on behalf of Noranda Exploration.
Inc., and	said <u>Hiller Pinn</u> ploration, Inc. exec	acknowledged to me that suited the same.
		NOTARY PUBLIC Residing: Toronto, Ontario
John M	ion expires: is for 1. Whyte ublic in and for	life.

DATED this 816 day of June, 1995.

ALUMET CORPORATION

By: P. WOIF

Its: <u>Vice President</u>

STATE OF GEORGIA

: SS

COUNTY OF GWINNETT

On the Middle day of June 1995, personally appeared before me R. P. Wolf, who, being by me duly sworn, did state that she/he is the Vice President of Alumet Corporation, that she/he has read the above and foregoing Amendment to Consent Decree, that he is duly authorized for and on behalf of Alumet Corporation to execute the foregoing Amendment to Consent Decree on behalf of Alumet Corporation, and said R. P. Wolf acknowledged to me that Alumet Corporation, executed the same.

Dated this gu day of June 1995.

NOTARY PUBLIC

Residing: Lawrenceville, GA

My commission expires:

Motory Public, Gwinnett County, Georgia My Commission Expires September 8, 1998

DATED this6th d	ay of June, 1995.
	M.A. HANNA COMPANY AND ROJET ENTERPRISES, INC.
	By: XVIII N. Pyko 9. Zh Ubhn S. Pyke, Jr.
	Title: Vice President, General Counsel and Secretary
STATE OF Ohio)	
COUNTY OF _Cuyahoga)	
appeared before me John S. Pyke.	is the Vice Pres., General Counses and Secretar prises, Inc., that what he has ment to Consent Decree, that he lf of M.A. Hanna Company and the foregoing Amendment to anna Company and Rojet acknowledged
My commission expires: 10-2-96	

MARCIA A. CHIPKA
Notary Public - State of Ohib
Ab. Commission Evolves, Optober 2, 1986

day of Hay, 1995. MACHINERY CENTER, INC. STATE OF UTAH : 65 COUNTY OF SALT LAKE behalf of Machinery Center, Inc., and said TED FRENSWORTH & DAY DECEMBER acknowledged to me that Machinery Center, Inc., executed the same. **NOTARY PUBLIC** J. DEREK DAHLSTROM NOTARY 4516 Minimum Way, Salt Lake City, UT 84124 My Commission Expires Dec. 20, 1997 Residing: QALT LAVE STATE OF UTAH My commission expires:

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DATED this _	31 day of May, 1995.
	By: Mullel W. Jien
	Its: Sr. VP + manager
STATE OF UTAH)
COUNTY OF SALT LAN	(KE)
Decree and Amendme authorized for and the foregoing Cons	e/he has read the above and foregoing Consent ent to Consent Decree, that she/he is duly d on behalf of West One Trust Company to execute sent Decree and Amendment to Consent Decree on by Trust Company, and said
Mechael W. S. Company executed to	che same.
Wechael W/	

DATED this 315th day of May, 1995.
WEST ONE BANK, UTAH
By: Local Vance
Its: President
STATE OF UTAH)
COUNTY OF SALT LAKE)
on the 3/st day of May, 1995, personally appeared before me Dow I. Saw., who, being by me duly sworn, did state she/he has read the above and foregoing Consent Decree and Amendment to Consent Decree, that she/he is duly authorized for and on behalf of West One Bank, Utah to execute the foregoing Consent Decree and Amendment to Consent Decree on behalf of West One Bank, Utah, and said Dow I-Saw acknowledged to me that West One Bank, Utah, executed the same. **Dow I - Saw acknowledged to me that West One Bank, Utah, executed the same.** **Dow I - Saw acknowledged to me that West One Bank, Utah, executed the same.** **Dow I - Saw acknowledged to me that West One Bank, Utah, executed the same.**
Residing:
My commission expires:
Notary Public DIANE H. RUSSELL 1349 East 8425 South Sandy, Utah 84093 My Commission Expires August 11, 1996 State of Utah