

ORIGINAL

U.S. DISTRICT COURT  
DISTRICT OF IDAHO  
Filed at 3:15 *pm*

SEP 1 1995

CLERK, U.S. DISTRICT COURT U.S. COURTS

By *[Signature]* Deputy 1995 JUL 7 5 10 54

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

REC'D  
*[Signature]*  
CAMERON S. BURKE,  
CLERK, IDAHO

STATE OF IDAHO, et al. )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 THE M.A. HANNA COMPANY, et al. )  
 \_\_\_\_\_ )  
 AND RELATED CASES AND CLAIMS )  
 \_\_\_\_\_ )

CONSOLIDATED CASE  
NO. 83-4179(R)

AMENDMENT TO  
CONSENT DECREE

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:

1. Page 6, section IV, paragraph 3, subparagraph w, after the words "Alumet Corporation" on line three of the paragraph, insert "Machinery Center, Inc."

2. 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.:

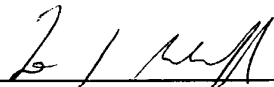
John A. Dahlstrom  
J. Derek Dahlstrom  
American Plaza One  
77 W. 2nd South, #212  
Salt Lake City, Utah 84101  
(801) 355-4252"

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

DATE: 6/14/95

  
\_\_\_\_\_  
LOIS J. SCHIFFER  
Assistant Attorney General  
Environment and Natural Resources Division

DATED this 8th day of June, 1995.

STATE OF IDAHO

By: Philip S. Batt

Its: Governor

STATE OF Idaho )  
 ) ss.

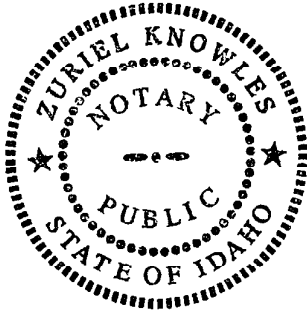
COUNTY OF Ada )

On the 8th day of June, 1995, personally appeared before me Philip S. Batt who, being by me duly sworn, did state that she/he is the Governor of Idaho, 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.

Zuriel Knowles  
NOTARY PUBLIC

Residing at: Boise, Ada, Idaho

July 19, 1997  
My Commission Expires



DATED this 12<sup>th</sup> day of ~~May~~ <sup>June</sup>, 1995.

NORANDA MINING INC.,

By: [Signature]

Its: Vice President

PROVINCE  
STATE OF ONTARIO )  
COUNTRY ) ss.  
COUNTY OF CANADA )

On this 12<sup>th</sup> day of ~~May~~ <sup>June</sup>, 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., that she/he has read the above and foregoing Amendment to Consent Decree, that he is duly authorized for and on behalf of Noranda Mining, Inc., to execute the foregoing Amendment to Consent Decree on behalf of Noranda Mining, Inc., and said R.G. Metka acknowledged to me that Noranda Mining, Inc. executed the same.

[Signature]  
NOTARY PUBLIC

Residing: Toronto, Ontario

My commission expires: is for life:

HILLAR J. PINNA  
A Notary Public in and for  
the Province of Ontario

DATED this 12<sup>th</sup> June day of May, 1995.

NORANDA MINING INC.,  
GENERAL PARTNER, on behalf of  
BLACKBIRD MINING COMPANY

By: *R.G. Metka*

Its: *Vice President*

PROVINCE )  
~~STATE OF~~ ONTARIO )  
COUNTRY ) ss.  
COUNTY OF CANADA )

On this 12<sup>th</sup> day of <sup>June</sup> ~~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.

*H. Pinna*  
NOTARY PUBLIC

Residing: Toronto, Ontario

My commission expires: is for life:

HILLAR J. PINNA

A Notary Public in and for  
the Province of Ontario.

DATED this 13th June day of May, 1995.

NORANDA EXPLORATION, INC.,

By: *H. Pinna*  
Its: *Secretary*

PROVINCE  
STATE OF ONTARIO )  
COUNTRY ) ss.  
COUNTY OF CANADA )

On this 13th <sup>June</sup> day of ~~May~~, 1995, personally appeared before me *Hiller Pinna*, who, being by me duly sworn, did state that she/he is the *Secretary* of Noranda Exploration, Inc., that she/he has read the above and foregoing Amendment to Consent Decree, that he is duly authorized for and on behalf of Noranda Exploration, Inc., to execute the foregoing Amendment to Consent Decree on behalf of Noranda Exploration, Inc., and said *Hiller Pinna* acknowledged to me that Noranda Exploration, Inc. executed the same.

*John Whyte*  
NOTARY PUBLIC

Residing: Toronto, Ontario

My commission expires:- is for life.

*John M. Whyte*  
A Notary Public in and for  
the Province of Ontario.



DATED this 8th day of June, 1995.

ALUMET CORPORATION

By: R. P. Wolf

Its: Vice President

STATE OF GEORGIA     )  
                                  : SS  
COUNTY OF GWINNETT )

On the 8th 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 8th day of June 1995.

Cynthia Jordan  
NOTARY PUBLIC

Residing: Lawrenceville, GA

My commission expires:

**Notary Public, Gwinnett County, Georgia**  
**My Commission Expires September 8, 1998**

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DATED this 5<sup>th</sup> day of ~~May~~ <sup>JUNE</sup>, 1995.

MACHINERY CENTER, INC.

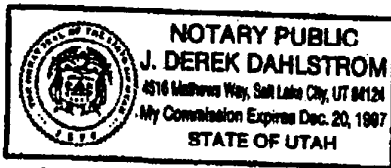
By: Jed L. Lammert

Its: Lammert

STATE OF UTAH )  
 ) :ss  
COUNTY OF SALT LAKE )

Jay Deering  
w.

On the 5<sup>th</sup> day of ~~May~~ <sup>JUNE</sup>, 1995, personally appeared before me TED FAENSWORTH & JAY DEERING, who, being by me duly sworn, did state that 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 Machinery Center, Inc. to execute the foregoing Consent Decree and Amendment to Consent Decree on behalf of Machinery Center, Inc., and said TED FAENSWORTH & JAY DEERING acknowledged to me that Machinery Center, Inc., executed the same.



J. Derek Dahlstrom  
NOTARY PUBLIC

Residing: SALT LAKE

My commission expires:

12/20/97



DATED this 31 day of May, 1995.

WEST ONE TRUST COMPANY

By: Michael W. Giam

Its: Sr. VP + manager

STATE OF UTAH

)  
) ss.  
)

COUNTY OF SALT LAKE

On the 31st day of May, 1995, personally appeared before me Michael W. Giam, who, being by me duly sworn, did state that 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 Trust Company to execute the foregoing Consent Decree and Amendment to Consent Decree on behalf of West One Trust Company, and said Michael W. Giam acknowledged to me that West One Trust Company executed the same.

Lucy Kolman  
NOTARY PUBLIC  
Residing: \_\_\_\_\_

My commission expires:  
\_\_\_\_\_



DATED this 31<sup>st</sup> day of May, 1995.

WEST ONE BANK, UTAH

By: [Signature]

Its: President

STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On the 31<sup>st</sup> day of May, 1995, personally appeared before me Don I. Sauer, 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 Don I. Sauer acknowledged to me that West One Bank, Utah, executed the same.

[Signature]  
NOTARY PUBLIC

Residing: \_\_\_\_\_

My commission expires:  
\_\_\_\_\_

