

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

THE MICHIGAN DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Case No. 03-1755 CE

Plaintiff,

v

JUDGMENT

WATEROUS COMPANY, a
Minnesota corporation,

Defendant.

_____/

At a session of said Court held in the City of
Lansing, Ingham County, Michigan, on the 10TH
day of **July, 2006**, the Honorable Joyce Draganchuk
presiding.

The Court having considered the evidence presented at trial in the above
matter and the written and oral arguments of the parties, and the Court having
made its Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that Judgment is entered in favor of Plaintiff
Michigan Department of Environmental Quality (MDEQ) and against Defendant
Waterous Company (Waterous) as follows:

Declaratory judgment is entered pursuant to MCL 324 20137(1)(d) that
Waterous is liable to the MDEQ under MCL 324 20126(1)(b) and MCL
324 20126a(1)(a) for all future costs of response activity lawfully incurred by the
State relating to the selection and implementation of response activity at the
facility that is the subject of this action

Waterous is permanently enjoined to perform all response activity necessary to protect the public health, safety, welfare, and the environment and achieve and maintain compliance with Part 201 and the Natural Resources and Environmental Protection Act (NREPA), MCL 324.20101 *et seq*, and the administrative rules promulgated thereunder with respect to all releases of hazardous substances at and emanating from the former Traverse city Iron Works (TCIW) facility that is the subject of this action, including, but not necessarily limited to, the following:

- 1 Within one hundred twenty (120) days after entry of this Judgment, Waterous shall submit to the MDEQ for review and approval a work plan for remedial investigation that:
 - (a) complies with the requirements of MAC R 299.5528;
 - (b) is sufficient to fully determine the nature and extent of contamination of hazardous substances at and emanating from the former TCIW facility in all impacted environmental media, including soils, groundwaters, and sediments, and to support the selection of a remedial action for the facility that complies with Part 201 and its rules; and
 - (c) contains a reasonable schedule for implementation of the work plan and completion of a remedial investigation report

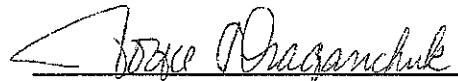
2. Implement the remedial investigation work plan as approved by the MDEQ in accordance with the approved schedule.
3. If the remedial investigation report identifies more than one (1) feasible remedial option for remedial action at the facility, Waterous shall, within ninety (90) days after completion of the remedial investigation report submit to the MDEQ for review and approval, a feasibility study for the facility that:
 - (a) complies with Part 201 and its rules, including MAC R 299.5530; and
 - (b) is sufficient to support the selection of a remedial action for the facility that complies with Part 201 and its rules.
4. Within ninety (90) days after the completion of the remedial investigation report or the feasibility study, whichever is later, submit to the MDEQ for review and approval, a remedial action plan or remedial action closure report that:
 - (a) complies with, and contains all elements required under, Part 201 and its rules, including, without limitation, MCL 324.20118, MCL 324.20120a, MCL 324.20120b, and MAC R 299 5530;
 - (b) is sufficient to support, to achieve, and to maintain compliance with Part 201 and its rules, and assure

protection of the public health, safety, welfare, and the environment; and

(c) contains a reasonable schedule for implementation.

5. Implement the remedial action or closure plan as approved by the MDEQ according to the approved schedule
6. Maintain long-term compliance with all elements of the approved remedial action or closure plan, including, without limitation, land-use or resource-use restrictions, monitoring, operation and maintenance, permanent markers, and financial assurance
7. Implement any other response activity needed to assure protection of public health, safety, welfare and the environment and to achieve and maintain compliance with part 201 and its rules.

This Judgment resolves the last pending claim in this matter and closes the case.


Honorable Joyce Draganchuk
Circuit Judge