

Consent Order for Corrective Action, Docket No. P3-07-08-003

“Response Action Plan” or “RAP” shall be the functional equivalent to the corrective measures selection documentation discussed in sections 3.6 through 3.6.3 of the Consent Order for Corrective Action issued August 16, 2007.

“Remedial Design/Response Action Implementation” or “RD/RA Implementation” shall be the functional equivalent to “Corrective Measures Implementation” or “CMI” discussed in sections 3.7 through 3.7.3 of the Consent Order for Corrective Action issued August 16, 2007.

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1.5. Attachments. All attachments to this Order are incorporated herein by this reference.

1.6. Denial of Liability; Reservation of Rights; No Admissions. By issuance of this Order,

Norman E. Riley 8/7/09 2:14 PM
Comment: Parking lot issue.

DTSC does not waive the right to take further enforcement actions. In addition, by entering into this Order, Respondents do not admit to any fact, statement, or recitation set forth in this Order, or to any fact, fault or liability under any federal or State statute or regulation or other provision of law. This Order shall not constitute a release, waiver, covenant not to sue or limitation of any kind, and Respondents and DTSC expressly retain all rights, remedies, defenses, causes of action, powers and authorities, civil or criminal, that Respondents or DTSC have – with respect to any disputes or claims amongst each other or against any other parties – under any statutory, regulatory, constitutional or common law authority, nor shall it be construed or applied in any way to affect the ability of Respondents to seek or obtain relief in federal court or any other court of competent jurisdiction. Without limitation of the aforementioned reservation of rights, Respondents do not admit or consent to the constitutionality, legality, enforceability, or validity of California Health and Safety Code section 25359.20 in whole or in part. DTSC asserts that California Health and Safety Code section 25359.20 is constitutional, legal, enforceable and valid. The Parties agree that the time beginning on the