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ENVIRONMENTAL
PROTECTION

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ALAMEDA
10

11 THE PEOPLE OF THE STATE OF CALIFORNIA,)

12 Plaintiff,)

13 v.)

14 DRESSER INDUSTRIES, INCORPORATED,)
dba Grove Valve and Regulator Company,)
15 a wholly owned subsidiary,)

16 Defendant.)
17

CASE NO.

STIPULATION FOR CONSENT
JUDGMENT

18
19 THIS STIPULATION is entered into by and between plaintiff, THE PEOPLE OF THE
20 STATE OF CALIFORNIA ("the people"), appearing through its attorneys, Thomas J. Orloff, District
21 Attorney for the County of Alameda, by Gilbert A. Jensen, Senior Deputy District Attorney, and
22 defendant, DRESSER INDUSTRIES, INCORPORATED, dba Grove Valve and Regulator Company,
23 a wholly owned subsidiary, ("Grove Valve"), appearing through their attorneys, Orrick, Herrington
24 and Sutcliffe, by Timothy P. Walker, Esq. Without the taking of proof, without a trial or adjudication
25 of any facts or law herein, and without admission by Grove Valve of any of the matters set forth in
26 the Complaint herein or of any other act, omission to act, or any thing whatsoever, The People and
27 Grove Valve are referred to herein as "PARTY" or collectively as the "PARTIES."

28 THE PEOPLE AND GROVE VALVE DO HEREBY STIPULATE IN

11. The Superior Court of the State of California for the County of Alameda may enter a Judgment in the above-captioned matter providing as follows:

a. Grove Valve and its agents, employees, and representatives, and any and all of them, are restrained and enjoined from violating the provisions of Section 25189(c) of the California Health and Safety Code.

b. Within 30 days from the date of the filing of the JUDGMENT issued pursuant to this STIPULATION, Grove Valve shall submit to the Alameda County Health Care Services Agency, Department of Environmental Protection a revised CLOSURE PLAN for its facilities located at 6529 and 6521 Hollis Street, Emeryville, California. Said closure plan must be approved and accepted by the Department of Environmental Protection before Grove Valve is released of its obligations herein, and GroveValve hereby agrees and warrants that it will remain responsible for completion of the CLOSURE PLAN should either of said properties be sold, transferred or otherwise encumbered before the approval and final closure as called for in the CLOSURE PLAN. All oversight costs incurred by the Department of Environmental Protection in connection with the completion of this project shall be paid through the Department's Deposit Receipt System, and are not represented by the regulatory costs paid pursuant to paragraph c herein.

c. On the date of the filing of the Judgment issued pursuant to this STIPULATION, defendants shall pay the amount of Nineteen Thousand Nine Hundred Ten Dollars (\$19,910), in settlement of this matter according to the following terms:

(1) Four Thousand Nine Hundred Ten Dollars (\$4,910) costs on behalf of the County of Alameda Department of Environmental Protection, shall be paid by check made payable to the Alameda County Hazmat Trust Fund and sent to the Office of

the District Attorney,

(2) Pursuant to Section 25181 of the California Health and Safety Code, Defendants shall pay Fifteen Thousand Dollars (\$15,000) by check payable to The California District Attorneys Association Environmental Prosecution Trust, and sent to the Office of the District Attorney as restitution for use in training, education, publications, and support in order to increase the effectiveness of environmental prosecutions throughout the State of California.

12. Judgment may be entered by the Court in this action, pursuant to this Stipulation, on request of any party without notice to the other parties.

13. The Court may retain jurisdiction of this matter for the purpose of enforcing any provisions of the Judgment herein

DATED:

THOMAS J. ORLOFF
District Attorney

By: _____
Gilbert A. Jensen
Senior Deputy District Attorney
Attorneys for Plaintiff

DATED:

Dresser Industries, Incorporated

DATED:

Timothy P. Walker,
Orrick, Herrington and Sutcliffe
Attorneys for Defendant