

other than proceedings by EPA to implement or enforce this Order, the validity of the findings of fact, conclusions of law and determinations in Sections I, IV and V, and the validity of any statements, findings or conclusions contained in the Action Memorandum attached as Appendix 2. Respondent also does not admit, and retains the right to controvert in any subsequent proceedings, other than proceedings by EPA to implement or enforce this Order, the characterization of materials within the Site that are subject to the removal action required under this Order which are at concentrations less than 50 mg/kg total PCBs as "PCB remediation waste" under 40 C.F.R. Part 761 and Indiana Department of Environmental Management ("IDEM") Rule 329 Indiana Administrative Code ("IAC") 4.1. Further, Respondent does not admit, and retains the right to contest and defend against, any allegation by EPA or any other party of any violation of the Toxic Substances Control Act, as amended ("TSCA"), 15 U.S.C. §§ 2601, et seq., or its implementing regulations or any other law or regulations relating to the release or migration of PCBs into or through the environment, including, but not limited to, the migration of PCBs in seeps and springs at the Site prior to or after the Effective Date due to releases of PCBs into the environment that first occurred prior to April 18, 1978. Subject to the foregoing, Respondent agrees to comply with and be bound by the terms of this Order and further agrees that it will not contest the basis or validity of this Order or its terms.

## II. PARTIES BOUND

5. This Order applies to and is binding upon EPA and upon Respondent and its successors and assigns. Any change in ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this Order.
6. Respondent shall ensure that its contractors, subcontractors, and representatives performing the Work receive a copy of this Order and comply with this Order. Respondent shall be responsible for any noncompliance with this Order.