

I.III. DEFINITIONS

7. Unless otherwise expressly provided herein, terms used in this Order which are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or in such regulations. Whenever terms listed below are used in this Order or in the appendices attached hereto and incorporated hereunder, the following definitions shall apply:

a. "Action Memorandum" shall mean the EPA Action Memorandum relating to the Site signed by the Superfund Division Director, EPA Region 5, and all attachments thereto. The Action Memorandum is attached as Appendix 2.

b. "Agreement" shall mean the Voluntary Corrective Action Agreement for the Plant, effective March 20, 2001, and amended on October 1, 2002.

c. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601, *et seq.*

d. "Day" shall mean a calendar day unless otherwise expressly specified. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or Federal holiday, the period shall run until the close of business of the next working day.

e. "Effective Date" shall be the effective date of this Order as provided in Section XXVIII.

f. "EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

g. "Future Response Costs" shall mean all costs relating to the Site that the United States incurs including, but not limited to, direct and indirect costs relating to reviewing or developing plans, reports and other items pursuant to this Order, verifying the Work, or otherwise implementing, overseeing, or enforcing this Order, including, but not limited to, payroll

costs, contractor costs, travel costs, laboratory costs, the costs incurred pursuant to Paragraph 43 (costs and attorneys' fees and any monies paid to secure access, including the amount of just compensation), and Paragraph 52 (emergency response). Future Response Costs shall also include all Interim Response Costs.

h. "IDEM" shall mean the Indiana Department of Environmental Management and any successor departments or agencies of the State.

i. "Interest" shall mean interest at the rate specified for interest on investments of the EPA Hazardous Substance Superfund established by 26 U.S.C. § 9507, compounded annually on October 1 of each year, in accordance with 42 U.S.C. § 9607(a). The applicable rate of interest shall be the rate in effect at the time the interest accrues. The rate of interest is subject to change on October 1 of each year.

j. "Interim Response Costs" shall mean costs of the type referenced in subparagraph 7.g. of this Order charged by the United States to the GM-Bedford Superfund account between October 28, 2002 and the Effective Date.

k. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto.

l. "Order" shall mean this Administrative Order on Consent and all attachments (Figure 1 and Appendices 1 through 6) hereto (listed in Section XXVIII). In the event of conflict between this Order and any attachment, this Order shall control.

m. "Paragraph" shall mean a portion of this Order identified by an Arabic numeral.

n. "Parties" shall mean EPA and Respondent.

o. "RCRA" shall mean the Solid Waste Disposal Act, as amended, 42 U.S.C. §§ 6901, *et seq.* (also known as the Resource Conservation and Recovery Act).

p. "Respondent" shall mean General Motors Corporation, a Delaware corporation.

q. "Section" shall mean a portion of this Order identified by a Roman numeral.

r. "Site" shall mean the area described as such in Paragraph 1 and depicted generally on the attached Figure 1.

s. "State" shall mean the State of Indiana.

t. "TSCA" shall mean the Toxic Substances Control Act, as amended, 15 U.S.C. §§ 2601, *et seq.*

u. "Waste Material" shall mean 1) any "hazardous substance" under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14); 2) any pollutant or contaminant under Section 101(33) of CERCLA, 42 U.S.C. § 9601(33); 3) any "solid waste" under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27); and 4) any PCB remediation waste as defined in 40 C.F.R. §§ 761.3 and 761.50(b)(3)(i) and IDEM Rule 329 IAC 4.1-4-1.

v. "Work" shall mean the activities Respondent is required to perform under this Order.

IV. FINDINGS OF FACT

Based on available information, including the Administrative Record in this matter, EPA hereby finds that:

8. The Plant is located at 105 GM Drive, Bedford (Lawrence County), Indiana, 47421. It comprises 152.5 acres of land, including buildings covering 915,000 square feet of operating floor space.

9. Several unnamed tributaries of Bailey's Branch Creek flow from the Plant property. On the east side of the Plant property, an unnamed tributary originating at Outfall 002 flows into Bailey's Branch Creek. Bailey's Branch Creek, in turn, flows into Pleasant Run, which empties into Salt Creek. Flow from the Plant property supplies approximately 100 percent of the dry