

TRUSTEE COUNCIL RESOLUTION 01-3
ADOPTED MAY 23, 2001

MONTROSE TRUSTEE COUNCIL
RESOLUTION REGARDING REIMBURSEMENT OF
PAST DAMAGE ASSESSMENT COSTS FOR
THE NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION


1. The National Oceanic and Atmospheric Administration; the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish and Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the U.S. Park Service are the natural resource trustees (Trustees) for resources injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in several accounts including the registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for reimbursement of costs related to damage assessment activities.
4. To help fund damage assessment activities related to the DDT and PCB contamination of the Southern California Bight, NOAA established a reimbursable account.
5. The Montrose Trustee Council acknowledges that NOAA has:
 - a) expended at least \$26.5 million reimbursable account costs) from that account; and
 - b) expected repayment of reimbursable account past costs successful conclusion of the litigation.
6. The Montrose Trustee Council also recognizes that NOAA has incurred other past damage assessment costs, including additional reimbursable account past costs, which are not addressed by this resolution.
7. The Montrose Trustee Council resolves unanimously to authorize the following payment schedule for \$26.5 million of

NOAA's reimbursable account past costs:

- a) \$4 million on January 2, 2002;
- b) \$4 million on January 2, 2003;
- c) \$4 million on January 2, 2004;
- d) \$4 million on January 2, 2005;
- e) \$4 million on January 2, 2006;
- f) \$4 million on January 2, 2007;
- g) \$2.5 million on January 2, 2008


8. The effective date of this resolution shall be the date on which the last Trustee signs this document.

CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:




William Conner
National Oceanic &
Atmospheric Administration

5/23/01
Date



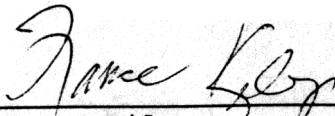
Daniel Welsh
U.S. Fish & Wildlife Service

5/23/01
Date



Timothy J. Setnicka
National Park Service

5/23/01
Date



Lance Kiley
State Lands Commission

5-23-01
Date

Suzanne Goode

Suzanne Goode
Department of Parks &
Recreation

5-23-01

Date

Patricia Velez

Patricia Velez
Department of Fish & Game

5-23-01

Date