

JAMES S. McFADDEN

FEB 9 10 37 AM '83 IN THE COURT OF COMMON PLEAS

SUNNIT COUNTY, OHIO
CLERK OF COURTS

STATE OF OHIO, ex rel. :
ANTHONY J. CELEBREZZE, JR. :
ATTORNEY GENERAL OF OHIO, :
Plaintiff, : Case No. CV 82 7 2123
v. : JUDGE McFADDEN
~~ADMIRAL EQUIPMENT CO.~~, et al., :
Defendants. :

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CONSENT JUDGMENT AGAINST DEFENDANTS
ADMIRAL EQUIPMENT COMPANY,
PETER J. TILGNER, AND
ENGLBERT GAL.

The Complaint having been filed on July 16, 1982 and the Plaintiff and Defendants having consented to this Consent Judgment, NOW, THEREFORE, before the taking of testimony, upon the pleadings, and upon consent of the above-specified parties, it is ORDERED, ADJUDGED and DECREED as follows:

I.

This Court has jurisdiction over the subject matter of this action, and over the person of Defendants. The Complaint states a claim upon which relief may be granted under Chapter 3734 and 6111, Revised Code.

II.

This Consent Judgment applies to and is binding upon Defendants and their directors, agents, employees, and successors. In addition, this Consent Judgment shall apply to all persons, firms, corporations, and other entities having notice of this Consent Judgment and acting in privity with Defendants.

III.

Defendants are enjoined to refrain from disposing of or directing others to dispose of hazardous waste as defined in Section 3734.01(J), Revised Code, anywhere except at a facility described in Section 3734.02(F)(1) through (6).

IV.

Defendant Admiral Equipment Company is enjoined to file the annual report required by OAC 3745-52-41 each year on or before the date provided by that rule.

V.

Defendant Admiral Equipment Company is enjoined to refrain from storing hazardous waste as defined in Section 3734.01(J), Revised Code, without first having obtained a hazardous waste storage facility permit from the Hazardous Waste Facility Approval Board; provided that Defendant may temporarily store wastes on site if Defendant complies with all requirements prescribed by OAC 3745-52-34(A).

VI.

Defendant Admiral Equipment Company is enjoined to refrain from producing industrial waste as defined in Section 6111.45, Revised Code, on and after July 1, 1983, unless, by that date, Defendant has obtained from Ohio EPA approval of a plan for disposal of the waste.

VII.

Defendants shall pay a civil penalty of fifty thousand dollars. Payment shall be made within ten days of entry of this Consent Judgment by delivering to counsel for the State a check in that amount payable to "Treasurer, State of Ohio." As required by Section 3734.13(C), Revised Code, the check shall be deposited in the hazardous waste facility management account created in Section 3734.18, Revised Code.

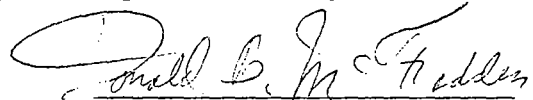
This Consent Judgment does not resolve any claims the State of Ohio may have now or in the future against Defendant Admiral Equipment Company for a cleanup of contamination of the surface or sub-surface of the ravine area adjacent to the facility at 305 W. North Street, Akron, Ohio. This Consent Judgment, therefore shall not be construed to bar such claims should they be brought in a future action.

IX.

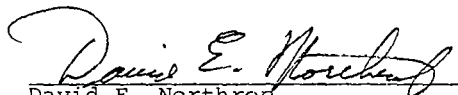
This Consent Judgment does not constitute an admission by any of the parties to any of the allegations contained in the Complaint and shall not be deemed to be an admission of liability therefor. This Consent Judgment constitutes a compromise and settlement of disputed claims.

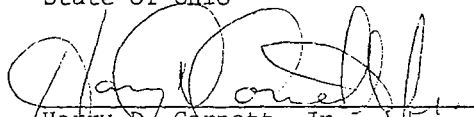
X.

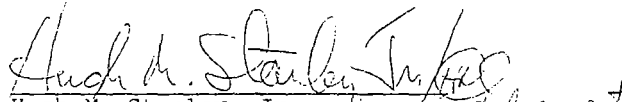
The Court retains jurisdiction for the purpose of making any order or decree necessary to carry out this Judgment.

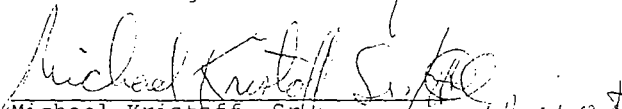

Donald B. McFadden, Judge

APPROVED:


David E. Northrop
Assistant Attorney General
Attorney for Plaintiff
State of Ohio


Harry D. Cornett, Jr.
Attorney for Defendant,
Admiral Equipment Co.


Hugh M. Stanley, Jr.
Attorney for Defendant,
Peter J. Tilgner *per tel. consent*


Michael Kristoff, Sr.
Attorney for Defendant
Engleburt Gal *per tel. consent*