

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO, ex rel.	:	CASE NO. A8804352
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO	:	JUDGE SHERMAN
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ADVANCED COMPOSITE TECHNOLOGY,	:	
INC., et al.,	:	
	:	
Defendants.	:	

CONSENT ORDER

The Complaint in the above-captioned case having been filed herein, and the Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and the Defendants Advanced Composite Technology, Inc., and Vishnoo Shahani (hereinafter "Defendants"), having consented to the entry of this Consent Decree,

NOW, THEREFORE, without trial of any issues of law or fact, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter herein, pursuant to R.C. Chapter 3734. and any regulations adopted thereunder. The Complaint states a claim upon which relief can be granted against the Defendant under these

statutory and regulatory provisions. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

II. PERSONS BOUND BY THE ORDER

2. The provisions of this Consent Order shall apply to and be binding upon the Defendants and any agents, officers, employees, assigns, and successors in interest, and those in active concert or participation with them who receive actual notice of this Consent Decree whether by personal service or otherwise.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendants manufactured fiberglass tanks in Hamilton County, Ohio, and that during the fiberglass manufacturing process Defendants used acetone for cleaning purposes. Acetone is a volatile substance with a low flashpoint and is a listed hazardous waste. Plaintiff further alleges that prior to or during July 3, 1987, Defendant transported or caused to be transported and disposed of 16-55 gallon drums containing fiberglass waste products, including acetone, under a bridge in Hamilton County, Ohio, and that such a location was not an approved hazardous waste facility. Defendants further failed to manifest the above-referenced shipment of hazardous waste and transported said hazardous waste using a transporter who was not registered with the State of Ohio to transport hazardous wastes.

Additionally, Defendants failed to label and mark the above-referenced shipments of waste acetone as hazardous wastes. These actions violate various sections of Ohio Revised Code Chapter 3734, and any regulations adopted thereunder.

4. Defendants allege that in August of 1987, Vishnoo Shahani was locked out of his business on Paddock Road, Cincinnati, Hamilton County, Ohio. Defendants further allege that all of the material belonging to A.C.T. was then controlled by Tim Rusche d/b/a Rusche Brothers and that Vishnoo Shahani never returned to the business and never regained control over the material. Defendants further allege that they believe materials now controlled by Tim Rusche, d/b/a Rusche Brothers, may include hazardous materials labeled as belonging to A.C.T.

There currently is pending litigation between Shahani and Rusche and between Shahani and Rick Vollner. Defendants allege that Shahani is not engaged in any business involving the handling of hazardous waste from any company including A.C.T.

5. Plaintiff alleges in its Complaint that Defendants manufactured fiberglass tanks in Hamilton County, Ohio, and that during the fiberglass manufacturing process Defendants used acetone for cleaning purposes. Acetone is a volatile substance with a low flashpoint and is a listed hazardous waste. Plaintiff further alleges that prior to or during July 3, 1987, Defendants transported or caused to be transported and

disposed of 16-55 gallon drums containing fiberglass waste products, including acetone, under a bridge in Hamilton County, Ohio, and that such a location was not an approved hazardous waste facility. Defendants further failed to manifest the above-referenced shipment of hazardous waste and transported said hazardous waste using a transporter who was not registered with the State of Ohio to transport hazardous wastes. Additionally, Defendants failed to label and mark the above-referenced shipments of waste acetone as hazardous wastes. These actions violate various sections of Ohio Revised Code Chapter 3734. and any regulations adopted thereunder.

6. The parties wish to resolve this action without litigation and have, therefore, agreed to the entry of this Consent Order without the admission or adjudication of any issue of fact or law.

7. The Compliance with the terms of this Consent Order shall be full satisfaction for Defendants' civil liability for the claims arising out of all matters raised in Plaintiff's Complaint.

8. Nothing in this Decree shall be construed to limit the authority of the State of Ohio to seek relief for claims except as provided in Paragraph 6.

IV. CIVIL PENALTIES

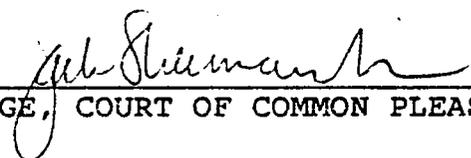
9. Defendant shall pay the State of Ohio thirty thousand dollars (\$30,000.00) within thirty (30) days of the filing of this Consent Order.

10. Payment shall be made by tendering a bank cashier's check, or certified check, (or other means acceptable to the Attorney General's office) to Plaintiff's attorney or his successor at 30 East Broad Street, 17th Floor, Environmental Enforcement Section, Columbus, Ohio 43266-0410. Said check shall be payable to the "Treasurer of the State of Ohio". The payment shall be placed in the Ohio Hazardous Waste Clean-Up Fund created by R.C. 3734.28.

V. GENERAL PROVISIONS

11. Defendants are permanently enjoined to comply with all the requirements of Ohio Revised Code Chapter 3734. and all regulations adopted thereunder.

12. This Court shall retain jurisdiction of this matter for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Consent Decree.


JUDGE, COURT OF COMMON PLEAS

APPROVED:

ANTHONY J. CELEBREZZE, JR.
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By: 

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