

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

03CVH05 05700

STATE OF OHIO, ex rel.,
JIM PETRO,
ATTORNEY GENERAL OF OHIO,

Plaintiff,

v.

AKZO NOBEL COATINGS, INC.

Defendant.

CASE NO.

JUDGE: *Crawford*

CONSENT ORDER AND FINAL
JUDGMENT ENTRY



FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO

Plaintiff, the State of Ohio, by its Attorney Jim Petro, at the written request of Christopher Jones, the Director of Environmental Protection, has filed a Complaint seeking injunctive relief and civil penalties from Defendant Akzo Nobel Coatings, Inc. ("Akzo") for violations of Revised Code ("R.C.") Chapter 3704 and the rules promulgated thereunder, and both parties have consented to the entry of this Order.

WHEREAS, the parties wish to resolve the allegations contained in the State of Ohio's Complaint without the trial, admission, or determination of any issue of fact or law;

WHEREAS, the State of Ohio's Complaint alleges that certain violations of the State's air pollution control laws and regulations occurred at Akzo's former coatings manufacturing facility located at 1313 Windsor Avenue, Columbus, Ohio ("former facility");

WHEREAS, Akzo's former facility at 1313 Windsor Avenue ceased operations in 1996

thereby terminating any and all violations alleged in the State of Ohio's Complaint;

WHEREAS, Akzo's former facility was replaced with a new coatings manufacturing facility at the same location; and

WHEREAS, Akzo applied for and received a synthetic minor permit for the installation of air pollution control equipment for all emissions units installed at the new facility.

THEREFORE, upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim for which relief can be granted pursuant to R.C. Chapter 3704. Venue is proper in this Court.

II. PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and, to the extent provided by Rule 65(D) of the Ohio Rules of Civil Procedure, their officers, agents, servants, employees, attorneys, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Consent Order whether by personal service or otherwise.

III. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

3. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant Akzo to the State of Ohio for the claims alleged in the State of Ohio's Complaint.

4. This Consent Order shall not be construed to limit the authority of the State of Ohio to seek relief for violations not alleged in the Complaint, nor shall this Consent Order bar the State from bringing any action against the Defendant for any violations which occur after the entry of this Order. Nothing in this Consent Order shall be construed to relieve Defendant of its obligations to comply with applicable federal, state or local statutes, regulations, or ordinances.

IV. CIVIL PENALTY

5. Pursuant to R.C. 3704.06(C), Defendant shall pay seventy thousand seven hundred and 00/100 dollars (\$70,700.00) to the State of Ohio. The civil penalty shall be paid in cash by delivering a certified check for fifty-six thousand five hundred sixty and 00/100 dollars (\$56,560.00) payable to the order of "Treasurer, State of Ohio" within thirty (30) days of the date of entry of this Consent Order. In lieu of paying the remaining civil penalty, fourteen thousand one hundred forty and 00/100 dollars (\$14,140.00) shall be paid to fund Ohio's tree-planting supplemental environmental project. Specifically, Defendant is hereby enjoined and ordered to deliver a certified check made payable to the "Ohio Department of Natural Resources, Division of Forestry, State Forest Fund (Fund No. 509)" for the purpose of funding urban area tree-planting projects in Ohio within thirty (30) days of the date of entry of this Consent Order.

6. All payments required under paragraph 5 shall be delivered to Jena Suhadolnik, or her successor, Administrative Assistant, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio, 43215-3428.

V. RETENTION OF JURISDICTION

7. The Court will retain jurisdiction of this action for purposes of enforcing this Consent Order.

VI. COURT COSTS

8. Defendant shall pay all court costs.

VII. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

9. Upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

VIII. AUTHORITY TO ENTER INTO THE CONSENT ORDER

10. Each signatory for the Defendant represents and warrants that he/she has been duly authorized to sign this document and so bind the corporation to all terms and conditions thereof.

IT IS SO ORDERED.

JUDGE, COURT OF COMMON PLEAS
FRANKLIN COUNTY

DATE

APPROVED:

AKZO NOBEL COATINGS, INC.



BEN L. PFEFFERLE, III (0024297)

Thompson Hine LLP

10 West Broad Street

Columbus, Ohio 43215

(614) 469-3200

Attorney for Defendant

Akzo Nobel Coatings, Inc.

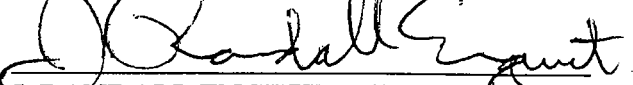


(Authorized Representative)

AKZO NOBEL COATINGS, INC.

JIM PETRO

ATTORNEY GENERAL OF OHIO



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