

IN THE COURT OF COMMON PLEAS
GUERNSEY COUNTY, OHIO

STATE OF OHIO
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO,

Plaintiff,

v.

ARROW N. A. INC.

Defendant.

CASE NO. 97 CV 196

JUDGE:

CONSENT ORDER

FINAL APPEALABLE
ORDER

TERESA L. JAMES
CLERK OF COURTS
GUERNSEY CO., OHIO

97 MAY -5 AM 11:23

FILED
COMMON PLEAS COURT

Plaintiff, the State of Ohio, by its Attorney General Betty D. Montgomery, at the written request of Donald R. Schregardus, the Director of Environmental Protection, has filed a Complaint seeking injunctive relief and civil penalties from Defendant Arrow N. A. Inc. ("Arrow") 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.

Therefore, without the trial, admission, or determination of any issue of fact or law, with Defendant Arrow denying all allegations of violations contained in the Plaintiff's Complaint, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. DEFINITIONS

1. As used in this Order, the following terms are defined as follows:
 - a. "Facility" means Defendant Arrow's plastic molding and painting facility and all related operations located at North Eighth Street in Byesville, Guernsey County, Ohio.
 - b. "Ohio EPA" means the Ohio Environmental Protection Agency.

- c. "Director" means the Director of Ohio EPA.
- d. "Air contaminant source" or "Source" has the same meaning as set forth in R.C. 3704.01(C) and Ohio Administrative Code ("O.A.C.") Rules 3745-31-01(D) and 3745-35-01(B)(1).
- e. "Permit to Operate" or "PTO" has the same meaning as set forth in O.A.C. Chapter 3745-35.
- f. "Permit to Install" or "PTI" has the same meaning as set forth in O.A.C. Chapter 3745-31.

II. JURISDICTION AND VENUE

2. 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, and venue is proper in this Court.

III. PERSONS BOUND

3. 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.

IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

4. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant Arrow to the Plaintiff for the claims alleged in the Plaintiff's Complaint.

5. This Consent Order shall not be construed to limit the authority of the Plaintiff 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.

V. INJUNCTION

6. Arrow agrees and is hereby permanently enjoined to fully comply with R.C. Chapter 3704 and the regulations promulgated thereunder with respect to all air contaminant sources at the Facility. Further, Arrow agrees and is enjoined to comply with all terms and conditions of all Permits to Install and Permits to Operate which are issued to it for air contaminant sources at the Facility.

7. Arrow agrees and is hereby enjoined to comply with the recordkeeping and reporting requirements of all PTIs and PTOs issued for its air contaminant sources.

VI. CIVIL PENALTY

8. Pursuant to R.C. 3704.06(C), Defendant shall pay One Hundred and Eighty-Eight Thousand Dollars (\$188,000.00) to the State of Ohio. Payment shall be made by delivering a cashier's or certified check or money order, payable to the State of Ohio for the above-stated amount to: Administrative Assistant, Office of the Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, within thirty (30) days of the entry of this Order.

VII. ATTORNEY GENERAL'S ENFORCEMENT COSTS

9. Defendant Arrow hereby agrees and is enjoined to pay to the Ohio Attorney

General's Office a sum of Seven Hundred Fifty Dollars (\$750.00) to reimburse the Attorney General's expenses and time incurred in this matter. Such costs shall be paid by delivering a certified check in that amount, payable to the order of "Treasurer, State of Ohio", to the Administrative Assistant, Office of the Ohio Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428. Such costs shall be paid no later than thirty (30) days after entry of this Order.

VIII. RETENTION OF JURISDICTION

10. The Court will retain jurisdiction of this action for purposes of enforcing this Consent Order. The parties reserve any and all rights they may have under Rule 60 of the Ohio Rules of Civil Procedure.

IX. COURT COSTS

11. Defendant Arrow shall pay any court costs.

IT IS SO ORDERED

David A. Ellwood

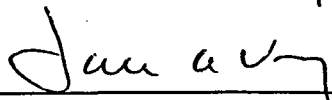
JUDGE, COURT OF COMMON PLEAS
GUERNSEY COUNTY

May 5, 1991

DATE

APPROVED:

ARROW N. A., INC.



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