

II. PERSONS BOUND

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2. The provisions of this Consent Order shall apply to and be binding upon the Defendant to this action, its agents, representatives, officers, directors, employees, subsidiaries or divisions, assigns and successors in interest. In addition, the provisions of this Consent Order shall apply to and be binding upon those persons who receive actual notice of this Consent Order whether by personal service or otherwise who act in concert or participation with any of the entities identified above.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant has engaged in demolition/renovation operations involving asbestos or asbestos-containing materials, and that Defendant's demolition/renovation operations involving asbestos have resulted in numerous violations of O.R.C. Chapter 3704. and the regulations adopted thereunder. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for the violations alleged in the Complaint, including but not limited to all claims arising from violations associated with work conducted by Defendant at the Akron General Medical Center. Nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint or for violations of O.R.C. Chapter 3704. and the regulations adopted thereunder which occur after the filing of the Complaint. Further, nothing in this

Consent Order shall be construed to relieve the Defendant of its obligation to comply with applicable federal, state or local statutes, regulations or ordinances.

IV. PERMANENT INJUNCTION

4. Defendant is hereby enjoined and ordered to immediately and permanently comply with O.R.C. Section 3704. and the regulations adopted thereunder, including but not limited to Ohio Administrative Code ("O.A.C.") Chapter 3745-20. Specifically, but not in any way limiting the scope of this paragraph, Defendant agrees to and is hereby permanently enjoined to:

- a.) submit timely and complete notifications of intent to engage in demolition and renovation operations to the proper authority, as required by O.A.C. Rules 3745-20-02 and 3745-20-03(A);
- b.) properly handle and adequately wet friable asbestos materials and facility components covered with, coated by or containing such materials, while being removed, cut, disjoined, stripped or otherwise taken out of a facility, as required by O.A.C. Rule 3745-20-04(A)(2), (A)(3), (A)(4) and (A)(5).

V. CIVIL PENALTY

5. For violations of O.R.C. Chapter 3704. and the regulations adopted thereunder, Defendant is enjoined and ordered to pay to the State of Ohio a civil penalty in the amount of Twenty Eight Thousand Dollars (\$28,000.00). The civil penalty shall be paid in four equal monthly installments, with the first installment of \$7,000 to be received by the Attorney General's office on or before December 6, 1996, the second installment of \$7,000 to be received by the Attorney General's office on or before January 3, 1997, the third installment of \$7,000 to be received by the Attorney General's office on or before February 7, 1997 and the fourth installment to

be received by the Attorney General's office on or before March 7, 1997. The civil penalty shall be paid by Defendant by its delivering to Plaintiff, c/o Matt Sanders, Administrative Assistant, or his successor, at the office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, certified checks in those amounts, payable to the order of "Treasurer, State of Ohio," on or before the due dates listed above. In the event the Attorney General's Office does not receive an installment payment on or before any one of the due dates listed above, then Defendant is enjoined and Ordered to pay the entire balance due of the civil penalty immediately upon default.

VI. STIPULATED PENALTIES

6. In the event that Defendant fails to comply with any of the requirements imposed by paragraphs 4 and 5 of this Consent Order, the Defendant shall, immediately and automatically, be liable for and shall pay a stipulated penalty in accordance with the following schedule:

- a.) for each violation of paragraph 4 (a), Fifteen Thousand Dollars (\$15,000.00) per violation;
- b.) for each violation of paragraph 4 (b), Five Thousand Dollars (\$5,000.00) per day per violation;
- c.) for each violation of paragraph 5, One Thousand Dollars (\$1,000.00) per day per violation.

7. In the event Defendant fails to meet any of the requirements of this Consent Order, the Defendant shall immediately and automatically be liable for

payment of stipulated penalties imposed by this Order without prior demand by the State of Ohio. Payment of all stipulated penalties shall be paid by Defendant by its delivering to Plaintiff, c/o Matt Sanders, Administrative Assistant, or his successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a cashier's check in that amount, payable to the order of "Treasurer, State of Ohio," immediately upon the occurrence of the violation giving rise to the penalty.

8. The imposition, payment and collection of stipulated penalties pursuant to violations of this Consent Order shall not prevent the State from pursuing additional remedies, civil, criminal or administrative, for violations of applicable laws.

VII. COMPLIANCE WITH APPLICABLE LAWS, PERMITS AND APPROVALS

9. All activities undertaken by Defendant pursuant to this Consent Order shall be undertaken in accordance with the requirements of all applicable federal and state and local laws, rules and regulations, licenses and permits. Defendant is ordered and enjoined to obtain all licenses, permits or approvals necessary under applicable federal, state or local laws and shall submit timely applications and requests for any such licenses, permits and approvals. Where such laws appear to conflict with the other requirements of this Consent Order, Defendant is ordered and enjoined to immediately notify the Ohio EPA of the potential conflict. Defendant is ordered and enjoined to provide a copy of this Consent Order to all its employees and to all the contractors, subcontractors and agents with whom

Defendant contracts to perform asbestos demolitions/renovations. This Consent Order is not a permit issued pursuant to any federal or state or local law or rule.

VIII. RETENTION OF JURISDICTION

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10. This Court will retain jurisdiction of this action for the purpose of enforcing compliance with this Consent Order.

IX. COSTS

11. Defendant is hereby ordered to pay all court costs of this action.

X. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

12. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, 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.

XI. AUTHORITY TO ENTER INTO THE CONSENT ORDER

13. Each signatory for 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. Each signatory for Defendant shall submit with this Consent Order an authenticated and certified resolution from Defendant establishing that he/she is so empowered to sign for and bind Defendant.

IT IS SO ORDERED

DATE _____

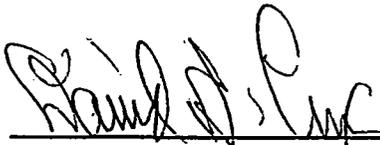


JUDGE
SUMMIT COUNTY COURT OF
COMMON PLEAS

APPROVED:

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

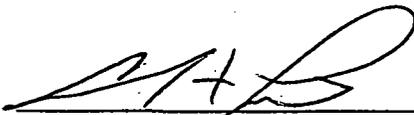
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David G. Cox (0042724)

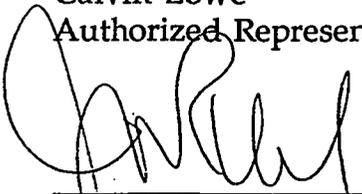
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Counsel for Plaintiff



Calvin Lowe

Authorized Representative of Defendant 7 - 7 Inc.



James M. Richard (0016491)

Reynolds and Richard
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Counsel for Defendant 7 - 7 Inc.

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

CASE NUMBER : CV-1996-10-4213

STATE OF OHIO, EX REL.

JUDGE : MICHAEL T. CALLAHAN

(Plaintiff)

- VS -

ORDER FILED: 10/28/96

7 7, INC.

(Defendant)

N O T I C E

TO: DAVID G. COX
ENVIRONMENTAL ENFORCEMENT SECT
30 E. BROAD ST. 25TH FLOOR
COLUMBUS, OH 43266-0410

PURSUANT TO CIVIL RULE 58(B), THE CLERK OF COURTS IS REQUIRED TO
NOTIFY YOU THAT THE FOLLOWING ORDER HAS BEEN FILED WITH OUR OFFICE:

JE 2006-300 CONSENT ORDER. THE COURT HAS JURISDICTION OF THE PARTIE
THE SUBJECT MATTER OF THIS ACTION. THE COURT WILL RETAIN JURISDICTION
THIS ACTION FOR THE PURPOSE OF ENFORCING COMPLIANCE WITH THIS CONSENT
COSTS TO DEFENDANT. SEE JE. MTC

DIANA ZALESKI
Summit County Clerk Of Courts

CONNIE GEORGE
Chief Deputy