

FILED
IN THE COURT OF COMMON PLEAS
WAYNE COUNTY, OHIO

97 JUL 30 PM 12:07

97-CV-0371

STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY,
ATTORNEY GENERAL OF OHIO,
30 East Broad Street
Columbus, Ohio 43215-3428

CAROL WHITE, CLERK
WAYNE COUNTY, OHIO
JUDGE

CASE NO.

Plaintiff,

CONSENT ORDER

v.

A.R.E., INC.
17600 Dover Road
Mount Eaton, Ohio 44659

Defendant.

The Complaint in the above-captioned matter having been filed herein, and Plaintiff the State of Ohio by its Attorney General, Betty D. Montgomery, (hereinafter "Plaintiff") and Defendant A.R.E., Inc. having consented to the entry of this Order,

NOW THEREFORE, without trial of any issue of fact or law, and upon consent of the parties hereto, and without admission of fact or liability by A.R.E., Inc., 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. "Air contaminant source", or "source", has the same meaning as that set forth in Ohio Rev. Code §3704.01(C) and Ohio Administrative Code Rules 3745-31-01(D) and 3745-35-01(B)(1).
 - b. "Consent Order", or "Order", means this Order and Final Judgment.
 - c. "Facility" means Defendant A.R.E., Inc.'s truck cap manufacturing facility located at 17600 Dover Road, Mount Eaton, Wayne County, Ohio.
 - d. "O.A.C." means the Ohio Administrative Code.
 - e. "Ohio EPA" means the Ohio Environmental Protection Agency.
 - f. "Permit to Install", or "PTI", has the same meaning as set forth in O.A.C. Chapter 3745-31.

- g. "Permit to Operate", or "PTO", has the same meaning as set forth in O.A.C. Chapter 3745-35.
- h. "Title V permit" has the same meaning as set forth in O.A.C. Chapter 3745-77.

II. JURISDICTION AND VENUE

2. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 3704 of the Ohio Revised Code, and venue is proper in this Court.

III. PARTIES

3. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them.

IV. SATISFACTION OF LAWSUIT

4. Plaintiff alleges in its Complaint, *inter alia*, that A.R.E., Inc. has installed and operated numerous air contaminant sources at the Facility without Permits to Install or to Operate such sources in violation of the air pollution control laws and regulations of the State of Ohio. In addition, Plaintiff alleges in its Complaint that A.R.E., Inc. has violated organic compound emission limitation provisions of the air pollution control laws and regulations of the State of Ohio.

5. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all violations under such laws alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for violations not alleged in the Complaint, including violations which occur after the entry of this Consent Order.

V. INJUNCTION

6. A.R.E., Inc. agrees to refrain and is permanently enjoined from "installing" or "modifying" any "air contaminant source", as those terms are defined in O.A.C. Rules 3745-31-01(I), (J), and (C) at the Facility without first applying for and obtaining a Permit to Install from the Director of Ohio EPA in accordance with O.A.C. Rule 3745-31-02(A), unless the source is exempted from the requirement to obtain a Permit to Install by the State of Ohio's statutes or regulations.

7. A.R.E., Inc. agrees to refrain and is permanently enjoined from operating any air contaminant source, as that term is defined in O.A.C. Rule 3745-35-01(B)(1), at the Facility without first applying for and obtaining a Permit to Operate from Ohio EPA in accordance with O.A.C. Rule 3745-35-02(A) – unless the source is exempted from the requirement to obtain a Permit to Operate by statute or regulation, or unless the source is part of a facility that is required to obtain a Title V permit pursuant to O.A.C. Chapter 3745-77.

8. A.R.E., Inc. agrees and is permanently and immediately enjoined and ordered to comply with all terms and conditions of all Permits to Install, Permits to Operate, and Title V permits which are issued to it for air contaminant sources at the Facility.

9. Defendant A.R.E., Inc. agrees and is hereby enjoined and ordered to comply with O.A.C. Rule 3745-21-07(G)(2) to the extent that this rule is applicable to the process operations at the Facility.

VI. CIVIL PENALTY

10. Defendant A.R.E., Inc. shall pay a civil penalty of One Hundred Forty-Two Thousand, Five Hundred Dollars (\$142,500.00). This amount shall be paid by delivering certified checks to Jena Suhadolnik, Administrative Assistant (or her successor), Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, payable to the order of "Treasurer, State of Ohio", in accordance with the following payment schedule:

\$20,000.00	Within thirty (30) days of the entry of this Order;
\$40,000.00	Within one (1) year of the entry of this Order;
\$40,000.00	Within two (2) years of the entry of this Order; and,
\$42,500.00	Within three (3) years of the entry of this Order.

VII. RETENTION OF JURISDICTION

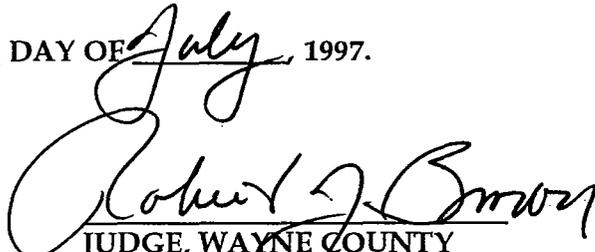
11. The court will retain jurisdiction of this action for the purpose of enforcing this Consent Order and resolving disputes arising under the Order.

VIII. COSTS

12. Defendant A.R.E., Inc. is hereby ordered to pay the costs of this action.

IT IS SO ORDERED:

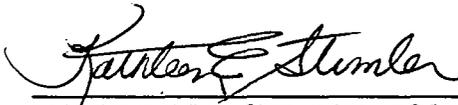
ENTERED THIS 30TH DAY OF July, 1997.


JUDGE, WAYNE COUNTY
COURT OF COMMON PLEAS

APPROVED:

A.R.E., INC.

BY:

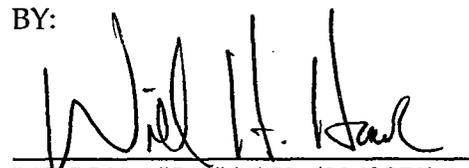


KATHLEEN E. STIMLER, ESQ.
Brouse & McDowell
500 First National Tower
Akron, Ohio 44308-1471
(330) 535-5711

Counsel for Defendant

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

BY:



WILLIAM H. HAAK (0063952)
Assistant Attorney General
Environmental Enforcement Section
30 East Broad Street -- 25th Floor
Columbus, Ohio 43215-3428
(614) 466-2766

BY: Ralph Gatti
(Authorized Representative of Defendant, A.R.E., Inc.)

TITLE: President

JOURNALIZED

JUL 30 1997

CAROL WHITE CLERK
WAYNE COUNTY COURT

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