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The company of the  
State of Ohio

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IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.	)	
WILLIAM J. BROWN	)	
ATTORNEY GENERAL OF OHIO,	)	
	)	
Plaintiff,	)	Case No. 84832
	)	
vs.	)	
	)	
THE STANDARD OIL COMPANY,	)	
	)	
Defendant.	)	

CONSENT JUDGMENT

The Complaint having been filed herein on March 5, 1981 under §§6111.04, 6111.07, and 6111.09 of the Ohio Revised Code.

And the Plaintiff and Defendant by their respective attorneys having consented to the entry of this Consent Judgment;

NOW, THEREFORE, before the taking of any testimony and upon the pleadings, it is ordered, Adjudged, and Decreed as follows:

I.

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto for the purpose of entering this Consent Judgment. The Complaint states a claim upon which relief can be granted against the Defendant under §§6111.04, 6111.07, and 6111.09 of the Ohio Revised Code.

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II.

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees, successors and assigns. In addition, the provisions of this Consent Judgment shall apply to all persons, corporations, and other entities having notice of this Consent Judgment, who are or will be acting in concert and privity with the Defendant to this action or its officers, directors, agents, servants, employees, and assigns.

III.

The purpose of this Consent Judgment is to avoid the time and expense of litigation, and to settle all claims and controversy whatsoever existing between the parties with respect to Defendant's alleged violations of Ohio and/or Federal law and regulations governing water quality and water pollution control and the terms of Defendant's applicable NPDES Permits by the operation of its Lima Refinery at 1150 South Metcalf Street, Lima, Ohio. This Consent Judgment does not constitute any admission of culpability or violation of any law or permit condition by Defendant. Defendant's agreement to comply with the provisions described in Paragraphs IV, V, VI and VII herein shall be in full satisfaction of Defendant's liability for any and all violations referred to above at its Lima Refinery occurring until the time this Consent Judgment is entered. The violations that are hereby satisfied include, but are not limited to: alleged violations of §§6111.04 and 6111.07(A) of the Ohio Revised Code and alleged noncompliance with the terms of NPDES Permits Numbers 887.18, G201\*BD, G201\*CD, and G201\*DD.

IV.

The Defendant shall comply with the terms and conditions of NPDES Permit No. G201\*DD, and all unaltered terms and conditions of any renewal

thereof, including, but not limited to, those pertaining to effluent limitations, monitoring and reporting.

V.

The Defendant has implemented or shall implement the operating and monitoring programs set forth below to aid in the achievement of compliance with the terms and conditions of NPDES Permit No. C201\*DD, and all unaltered terms and conditions of any renewal thereof, including, but not limited to, those pertaining to effluent limitations, monitoring and reporting.

Such programs include, but are not limited to, the following:

- (A) The installation by July, 1980, of new pressure tanks for the Air Flotation Unit (AFU) to increase the air pressurization capability of the AFU, thus improving the oil and suspended solids removal efficiency at the higher hydraulic capacity achieved by the feed pump installed in 1978.
- (B) The installation by October, 1980, of a gravity feed line from the AFU to the biopond to eliminate the need to pump this water. This will reduce the need to bypass the biopond during periods of high flow and also improve system reliability.
- (C) The installation by February, 1981, of recycle pumps for the Air Flotation Unit (AFU). The Defendant will then conduct a study to evaluate the advantages of installing a second polymer addition facility to inject anionic polymers at the AFU for additional solids removal. The results of this study shall be submitted to the Ohio EPA by April 15, 1981.
- (D) (1) The submission of representative data by January, 1980, to Ohio EPA, on the flow and composition (COD, BOD, cyanide, TSS, NH<sub>3</sub>N) of the wastewater stream from the Vistron facility to the refinery wastewater treatment plant for the period from September 1, 1979 to December 31, 1979, that has not been previously provided to Ohio EPA.  
  
(2) The submission by October, 1980 of data from a six month monitoring program on the wastewater stream from the Vistron facility to the refinery wastewater treatment plant. The monitoring will be performed twice per week utilizing 24 hour composite samples and will include the following analysis:  
  
Vistron (non-Barex) -- flow, COD, cyanide, NH<sub>3</sub>N  
  
Vistron (Barex) -- flow, COD, NH<sub>3</sub>N, TSS, BOD  
  
(3) Monitor data on the wastewater stream from the Vistron facility to the refinery wastewater treatment plant. The monitoring will be performed twice per month utilizing 24 hour composite samples and will include the following analyses:

Vistron (non-Barex) -- flow, COD, cyanide, NH<sub>3</sub>N

Vistron (Barex) -- flow, COD, NH<sub>3</sub>N, TSS, BOD

- (E) The completion of a study of the impoundment capability for refinery wastewaters including a study of surface runoff and the possibility of direction to off-line storage. The study will be submitted to Ohio EPA by September, 1980.
- (F) The completion of a study to evaluate methods of increasing the effective detention time in "C" and "D" ponds. The study will be submitted to Ohio EPA by June, 1980.
- (G) The installation by December, 1980, of an additional TOC analyzer on the outlet from the AFU. This analyzer, together with the TOC analyzer on the combined biopond feed, will permit more rapid identification of the source of spills or upset conditions.
- (1) Conduct a hydraulic and comparative evaluation of flow through "C" and "D" ponds to determine if different loading or modifications to the ponds would increase treatment efficiency. The study will be submitted to Ohio EPA by September, 1981. If the Defendant will utilize "C" pond after the completion of the modifications to be made pursuant to Paragraph VI as part of the modified treatment facility, the pond must be removed from service and the biological solids dredged from it when the modifications are completed.
- (H) The continuation of the environmental awareness program begun in October-November of 1978 at the Lima Refinery. The purpose of this program shall be to acquaint refinery personnel with the pollution control capabilities of the refinery, the discharge limits imposed by environmental regulations and permits, and the impact of their various actions on the quality of the wastewater discharged from the refinery. This program shall include:
- (1) Quarterly communication with appropriate operating supervisors to review the following: compliance status with existing permit limits, treatment system improvements, and pertinent correspondence with Ohio EPA.
- (2) The updating of the Water Pollution Control Booklet prepared for the 1978 awareness program. This manual will include identification and explanation of the various parameters used to evaluate effluent quality and shall document the information covered in the quarterly communication - referred to above. A copy of this manual and updates shall be supplied to Ohio EPA upon request.
- (3) Participation in the new-hire operator training program. This includes a review of applicable environmental regulations, pollution control facilities, permit requirements, compliance status and the impact they have as operators on the pollution control efforts at the refinery. A tour of the wastewater treatment system with the operating supervisor is also included.
- (4) Updating of the refinery SPCC plan, as required. Further, appropriate refinery personnel shall be provided a copy of said SPCC plan and any updates.
- (5) Presenting on an annual basis a normal Environmental

Awareness Program for all appropriate refinery personnel. The purpose will be to evaluate the wastewater treatment system's performance, discuss any specific treatment problems, describe and emphasize source control and early warning communications channels.

VI.

The Defendant shall modify the existing wastewater treatment system at the Lima refinery (1) to replace the existing bioponds with an activated sludge system and (2) to install facilities for pretreatment equalization, effluent filtration and sludge handling in accordance with the following schedule:

Submit general concept plan to Ohio EPA for plan approval pursuant to O.A.C. 3745-3	March 1, 1981
Complete engineering and submit detail plans to Ohio EPA for plan approval pursuant to OAC 3745-3	September 1, 1981
Submit progress reports to Ohio EPA, including monitoring data required by Paragraph V(D)(3)	Every four months, commencing four months after detail plan approval
Complete construction and piping hook-ups	26 months after detail plan approval

VII.

Defendant shall, not later than ten days from the entry of this Consent Judgment, forward to counsel for Plaintiff a certified check drawn to the order of the "Treasurer, State of Ohio" in the amount of Fifty Thousand Dollars (\$50,000.00), said amount being a civil penalty under §6111.09 of the Ohio Revised Code in full and complete satisfaction of any and all violations of conditions and limitations contained in NPDES Permits 887-18, G201\*BD, G201\*CD, G201\*DD which may have occurred until the date this Consent Judgment is entered.

Defendant shall have the right to achieve compliance with any obligation in this Consent Judgment, other than the obligation imposed in

Paragraph VII to pay a civil penalty of \$50,000.00, at any time by ceasing to discharge effluent from the Lima Refinery.

VIII.

Any provision contained in a future NPDES permit issued to Defendant which limits any provision of this Consent Judgment, or which relaxes or makes more stringent any requirement herein, shall override and supercede said requirement or provision of this Consent Judgment. In the event that study results are submitted to Ohio EPA and Ohio EPA requires further action by Defendant, such further action may be accomplished through a modification of the NPDES permit, the issuance of administrative orders by the Director of Environmental Protection, or by Plaintiff's application for modification of this Consent Judgment. Prior to the completion of the various operating and monitoring programs specified in Paragraph V, and the construction of the modified waste water treatment system described in Paragraph VI, it is understood that the effluent leaving the Defendant's current wastewater treatment plant may fail to meet some or all of the effluent limitations which the Complaint alleged Defendant violated, and the failure of Defendant's effluent to meet those limits shall not be considered to be violations of this Judgment or of the law, provided that the violations are of a nature, kind and severity as those plead in the Complaint, unless Defendant has violated any of the provisions of Paragraphs V and VI in conjunction with said violations.

IX.

FORCE MAJEURE

In any action to enforce any of the provisions of the Judgment, Defendant may raise at that time the question of whether it is entitled to a defense that its conduct was caused by reasons beyond its control such as, by way of example and not limitation, act of God or the public enemy, accidental fire or explosion, flood, riot, sabotage, strike, slowdown, lockout or work delay or refusal of any designer, contractor, fabricator

or supplier to design, construct, fabricate, deliver or install in a timely manner. While it is not stipulated by the Plaintiff that such defense exists, it is, however, hereby agreed by the Plaintiff and the Defendant that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time that a contempt action, if any, is commenced. Agreement to this Judgment without a force majeure clause does not constitute a waiver by the Defendant of any rights or defenses it may have under applicable law.

X.

The Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem to be necessary to carry out this Consent Judgment. Upon Defendant's satisfactory compliance with the terms and conditions herein, this case shall be dismissed and this Judgment shall terminate.

XI.

This Consent Judgment is in full settlement and satisfaction of any and all claims or demands that Plaintiff has against Defendant, resulting from the operation of the Lima Refinery prior to the entry of this Consent Judgment, arising out of Defendant's alleged violations of (1) the Clean Water Act, 33 USC 1251 et seq., (2) Ohio's Water Pollution Control laws, O.R.C. §6111.01 et seq., (3) state and federal regulations concerning water pollution, and (4) the terms and conditions of Defendant's NPDES Permits. Plaintiff covenants that it shall not institute or voluntarily participate in any judicial or administrative proceeding against Defendant involving any alleged violations of a nature, kind and severity similar to those described in this Consent Judgment and the Complaint based on events occurring prior to sixty days after the waste water treatment system described in Paragraph VI is constructed and piping hook-ups are completed, unless Defendant has violated any of the provisions of Paragraphs V and VI in conjunction with said violations.

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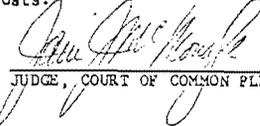
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XII.

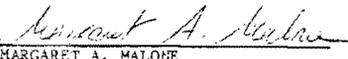
This Consent Judgment is made in Ohio and shall be governed by Ohio law.

XIII.

Defendant shall pay the Court costs.

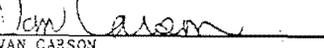
  
JUDGE, COURT OF COMMON PLEAS

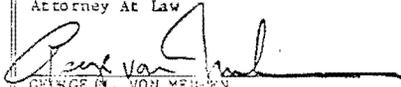
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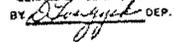
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RECEIVED FOR FILING

MAR 12 1981

GERALD E. FUERST, CLERK  
BY  DEP.