

JAMES B. McDARTHY
Nov 9 3 17 PM '82
SUMMIT COUNTY
CLEIN OF COURT
SUMMIT COUNTY, OHIO

STATE OF OHIO, ex rel. :
WILLIAM J. BROWN :
ATTORNEY GENERAL OF OHIO, :
Plaintiff, : Case No. CV-818-2197
vs. :
PAUL I. STEELE, : JUDGE FRANK BAYER
d/b/a Blast-All :
Manufacturing Company, :
Defendant. :

CONSENT JUDGMENT

Plaintiff having filed a Complaint in this matter, and the parties having consented without trial to the entry of this Consent Judgment, it is,

ORDERED, ADJUDGED, and DECREED as follows:

I.

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against Defendant under Chapter 3704, Revised Code.

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 and successors; in addition, the provisions of this Consent Judgment shall apply to all persons, firms, corporations, agencies, and other entities having notice of this Consent Judgment and who are, or will be, acting in concert and privity with Defendant or its officers, directors, agents, servants, employees, and successors.

III.

The Entry and Order Granting Preliminary Injunction issued by this Court on August 10, 1982, is hereby vacated.

IV.

Defendant may, from the date of entry of this order until January 15, 1983, conduct sandblasting and/or spray painting operations at 753 West Wilbeth Road, Akron, Ohio provided that he use emission containment devices of the same nature and quality which he presently uses at temporary sandblasting and/or spray painting work locations in the Akron area. Defendant shall make every effort to minimize the escape of particulates and paint fumes into the ambient air. However, should this practice at any time amount to a hazard to the health or welfare of the community, upon notification of this condition by Ohio EPA representatives to Defendant, the sandblasting and/or spray painting shall cease immediately. In no event shall the practice permitted in this paragraph continue at 753 West Wilbeth Road beyond January 15, 1983.

V.

As expeditiously as possible, and in any event prior to February 1, 1983, Defendant shall complete construction of the facility authorized by the Permit to Install issued by the Director of Ohio Environmental Protection Agency on July 30, 1982. Defendant shall comply fully with this Permit and all its terms and conditions.

VI.

Defendant shall pay the Four Hundred Dollar (\$400.00) permit fee required by the Permit to Install prior to February 1, 1983 by way of certified check payable to:

"Treasurer, State of Ohio"
Permits Bookkeeper
OEPA
361 E. Broad Street
Columbus, Ohio 43216

VII.

Defendant shall not operate his sandblasting and/or spray-painting business located at 753 West Wilbeth Road, Akron, on or after February 1, 1983 other than in full compliance with the Permit to Install. Defendant shall obtain a Permit to Operate as required by Ohio Administrative Code Section 3745-35-02 as directed by the Ohio Environmental Protection Agency and shall comply with the Permit to Install and Permit to Operate thereafter.

VIII.

Defendant shall at all times maintain and operate the air contaminant sources and emissions control equipment or devices so as to comply with applicable air quality emission regulations and permits.

IX.

There is hereby imposed upon Defendant a civil penalty of One Thousand Dollars (\$1,000.00) per day for every day of noncompliance with this Consent Judgment, which penalty is hereby suspended provided that Defendant complies fully with the terms of this Consent Judgment. Should Defendant violate any term of this Consent Judgment, at any time, the full civil penalty of One Thousand Dollars (\$1,000.00) per day of violation shall be reinstated, and it shall not be suspended in whole or in part, and it shall be in addition to any other penalties which the Court may impose.

X.

This Consent Judgment shall not be construed so as to preclude the State of Ohio from seeking monetary, injunctive, or other relief provide by law or in equity for violation of Ohio Revised Code Chapter 3704 and regulations promulgated thereunder subsequent to the date of entry of this order, nor shall it be construed to preclude the State of Ohio or its agencies from seeking monetary, injunctive, or other relief against Defendant for violation of any State law other than Ohio Revised Code Chapter 3704 and regulations promulgated thereunder occurring at any time.

XI.

The Court retains jurisdiction of this case for the purposes of making any order or decree which may be necessary to carry out the provisions of this Judgment.

XII.

Defendant shall pay court costs.

JUDGE FRANK BAYER

APPROVED:

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