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CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.,
LEE FISHER
ATTORNEY GENERAL OF OHIO,

Plaintiff,

v.

Abeco, Inc.,

and

Abraham Hooshiarnejad,

Defendants.

Case No. 92 CVH02-987

JUDGE TOMMY L. THOMPSON

CONSENT ORDER

TERMINATION NO. 8
TCT

The Plaintiff, State of Ohio, ex rel. Lee Fisher, Attorney General of Ohio ("State" or "Plaintiff"), having filed the Complaint in this action against the Defendants Abeco, Inc. and Abraham Hooshiarnejad (hereinafter "Defendants") to enforce Ohio's hazardous waste laws and rules concerning the waste handling, storage, and disposal practices at Dixie International, 3636 Indianola Avenue, Columbus, Ohio, (hereinafter referred to as the "Dixie Facility"), and Plaintiff and Defendants having consented to entry of this Order;

THEREFORE, without trial or admission of any issue of law or of fact, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. PERSONS BOUND

1. The provisions of this Consent Order shall apply to and be binding upon Defendants, their agents, officers, employees, assigns, successors in interest, and those persons in active concert or participation with them. Defendants shall provide a copy of this Consent Order to each consultant or contractor employed to perform work referenced herein or to handle, store, treat and/or dispose of hazardous wastes generated by their activities at the Dixie Facility.

II. SATISFACTION OF LAWSUIT

2. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by the Defendants for all claims alleged in the Complaint. Nothing in this Consent Order, including imposition of stipulated civil penalties, shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint or which involve locations other than the Dixie Facility. In addition, and without limiting the scope of reservations made in preceding sentences of this paragraph, Plaintiff hereby specifically reserves the right to take action against any person, including, but not limited to Defendants, pursuant to the Comprehensive Environmental Response

Compensation and Liability Act, as amended, 41 U.S.C. §§9601, et seq. or pursuant to R.C. §§3734.20 through 3734.27, for any removal, remedial, or corrective actions which are not conducted as result of noncompliance with, or in spite of compliance with, the terms of this Consent Order.

III. JURISDICTION AND VENUE

3. The Court has jurisdiction over the parties and the subject matter of this case. Venue is proper. The Complaint states a claim upon which relief can be granted.

IV. REMEDICATION

4. Defendants are ordered and enjoined to do the following:
- a. Within thirty (30) days from the entry of this Consent Order, Defendants shall properly evaluate, manifest and transport all hazardous waste owned or controlled by Defendants or either of them at the Dixie Facility to an authorized and permitted hazardous waste treatment, storage or disposal facility.
 - b. Within thirty (30) days from entry of this Consent Order, Defendants shall provide the Ohio EPA with documentation to show that Defendants have completed

the requirements of Paragraph 4.a. of this Consent Order.

- c. Within thirty (30) days from entry of this Consent Order, Defendants shall prepare and submit to the Ohio EPA a sampling, analysis and remediation plan which meets the closure performance standards set forth in Sections 3745-66-11 and 3745-66-14 of the Ohio Administrative Code (hereinafter referred to as the "Remediation Plan") for any area at the Dixie Facility at which hazardous wastes owned or controlled by Defendants or either of them were stored. The sampling and analysis portion of the Remediation Plan shall describe the methods to be used to determine the nature and extent of any remaining contaminated material at the Dixie Facility and shall contain a schedule for the implementation of the sampling and analysis. The remediation portion of the Remediation Plan shall describe the activities necessary to remediate any remaining contaminated material at the Dixie Facility and shall contain a schedule for the implementation of the remediation of implementation thereof.

- d. Following review of the Remediation Plan submitted by Defendants, Ohio EPA may approve, or modify and approve, the Remediation Plan. Alternatively, Ohio EPA may disapprove the Remediation Plan and provide Defendants with written notification of deficiencies in the Remediation Plan. If the Remediation Plan is disapproved, Defendants shall submit a new or revised Remediation Plan for approval within fifteen (15) days of receipt of written notification of deficiencies from Ohio EPA. The Ohio EPA may approve the new or revised Plan or further modify such Plan and approve the such Plan as further modified. Within fifteen (15) days of Defendants' receipt of written notice of Ohio EPA's approval of the Remediation Plan, as submitted by Defendants or as modified by Ohio EPA, Defendants are enjoined and ordered to begin implementation of the approved Remediation Plan and to complete implementation of the approved Remediation Plan in accordance with the schedule of implementation contained therein
- e. Defendants shall provide the Ohio EPA with at least twenty-four (24) hours notice prior to each day of any

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activity at the Dixie Facility conducted by Defendants or any persons acting on behalf of Defendants to complete the tasks required herein.

V. PERMANENT INJUNCTION

5. Defendants are hereby permanently enjoined and ordered to comply with R.C. Chapters 3734 and rules promulgated thereunder. Except as otherwise provided under Section IV herein, Defendants are permanently enjoined from engaging in any future storage (other than accumulation allowed by and in full compliance with the provisions of section 3745-52-34 of the Ohio Administrative Code), treatment or disposal of hazardous waste without first obtaining, as may be required by law, a hazardous waste facility installation and operation permit from the Hazardous Waste Facility Board.

VI. CIVIL PENALTY

6. It is hereby ordered that the Defendants shall pay a civil penalty of Seventeen Thousand Dollars (\$17,000.00) (hereinafter referred to as "the Penalty"). The penalty shall be payable as follows: Within seven days after entry of this Consent Order, an undetermined portion of the Penalty shall be paid by liquidation of a portion of personal property attached by the State of Ohio by Order of this Court entered in this case, November 13, 1992 (the aggregate of all such attached property

shall hereinafter be referred to as the "Attached Property"). Specifically, within seven days after entry of this Consent Decree, Krugerands contained in the Attached Property shall be sold and applied towards payment of the Penalty. Defendant Hooshiarnejad shall arrange for sale of the Krugerands. Also, within seven days after entry of this Consent Order, currency contained in the Attached Property shall be applied towards payment of the Penalty. Defendants give Plaintiff all rights necessary to sell the Krugerands and apply currency and Krugerand proceeds to payment of the Penalty. The remaining portion of the Penalty shall be paid on the first nonholiday weekday of the twelfth month following the month in which the Consent Order is entered. If Defendants fail to pay timely the balance of the Penalty, Plaintiff is given all necessary rights to liquidate the Attached Property, with or without the assistance of Defendants, for the purpose of applying the proceeds from liquidation of the Attached Property to payment of the Penalty. Upon payment of the full Penalty in accordance with this paragraph, Plaintiff agrees to release any remaining portions of the Attached Property. Liquidation of the Attached Property at less than the full amount of the Penalty does not relieve Defendants of the obligation to pay the full amount of the Penalty. Except as otherwise allowed by Plaintiff, the

penalty shall be paid by certified check or money order made payable to "Treasurer, State of Ohio," which check shall be delivered by mail, or otherwise to Janis Miller or her successor at his office at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410, within 30 days of the entry of this Consent Order. This penalty will be paid into the hazardous waste cleanup fund created by R.C. Section 3734.28.

VII. STIPULATED PENALTIES

7. In the event that either Defendant violates any of the terms of this Consent Order, except for the requirements of Paragraph 4.a. of this Consent Order, such Defendants shall immediately and automatically be liable for and shall pay stipulated penalties according to the following schedule: For each day of violation or failure to meet a requirement, up to thirty (30) days - One Thousand Dollars (\$1,000.00) per day. For each day of violation or failure to meet a requirement, from thirty-one (31) to sixty (60) days - Two Thousand Dollars (\$2,000.00) per day. For each day of violation or failure to meet a requirement, from sixty-one (61) to ninety (90) days - Three Thousand Dollars (\$3,000.00) per day. For each day of violation or failure to meet a requirement, over ninety (90) days - Five Thousand Dollars (\$5,000.00) per day.

In the event that either Defendant violates the requirements of Paragraph 4.a. of this Consent Order, Defendants shall immediately and automatically be liable for and shall pay stipulated penalties according to the following schedule: For each day of violation of the requirement, up to twenty (20) days - No stipulated penalty. For each day of violation of the requirement, up to fifty (50) days - One Thousand Dollars (\$1,000.00) per day. For each day of violation of the requirement, from fifty-one (51) to eighty (80) days - Two Thousand Dollars (\$2,000.00) per day. For each day of violation of the requirement, from eighty-one (81) to one hundred ten (110) days - Three Thousand Dollars (\$3,000.00) per day. For each day of violation of the requirement, over one hundred ten (110) days - Five Thousand Dollars (\$5,000.00) per day.

Any payment required to be made pursuant to Section VII of this Consent Order shall be paid by certified check made payable to "Treasurer, State of Ohio," which check shall be delivered by mail, or otherwise, to Janis Miller, or her successor at his office at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410, within thirty (30) days of the violation or failure to meet the requirement of this Consent Order. This penalty shall be paid into the hazardous waste clean-up fund

created by R.C. Section 3734.28.

IX. RETENTION OF JURISDICTION

8. The Court will retain jurisdiction of this action for the purpose of overseeing compliance with this Consent Order and R.C. Chapters 3734 and rules adopted thereunder.

X. INSPECTIONS

9. Defendants are ordered to allow representatives of the Ohio EPA, upon proper identification, to enter upon the Dixie Facility at reasonable times during business hours, to inspect, investigate, take samples and pictures and examine or copy records in order to determine compliance with the terms of this Consent Order and R.C. Chapters 3734 and rules promulgated thereunder. Nothing in the Order shall limit the rights of the Ohio EPA or U.S. EPA to conduct inspections or investigations pursuant to statute or regulation.

XII. NOTICE

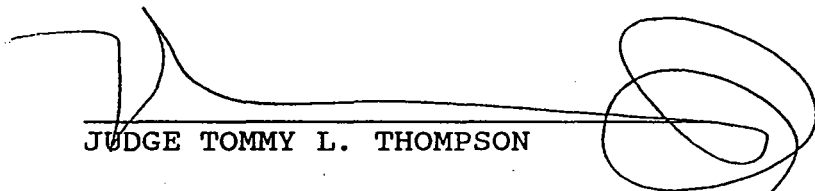
10. Any submission to the Ohio EPA as required by this Consent Order unless otherwise indicated shall be delivered to:

- a. Ohio EPA
Special Investigations Section
Division of Emergency Response and Remediation
P.O. Box 1049
1800 WaterMark Drive
Columbus, Ohio 43266-0149
Attn: Scott Shane or his successor

b. Ohio EPA
Division of Solid and Hazardous Waste Management
P.O. Box 1049
1800 WaterMark Drive
Columbus, Ohio 43266-0149
Attn: Manager, Compliance Monitoring and
Enforcement Staff or his/her successor

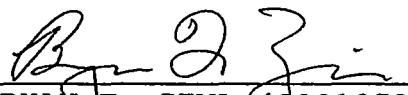
XIII. COURT COSTS

11. The Defendants shall pay the court costs of this action.



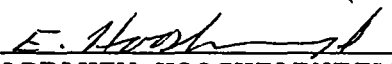
JUDGE TOMMY L. THOMPSON

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