

IN THE COURT OF COMMON PLEAS  
ASHTABULA COUNTY, OHIO

STATE OF OHIO,  
ex rel. BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO,  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215-3428

Plaintiff,

v.

ASHTA CHEMICALS, INC.  
3509 Middle Road  
P.O. Box 858  
Ashtabula, Ohio 44004

Defendant.

CASE NO. 95 CV 436

JUDGE Mackey

AUG 1 8 37 AM '95  
CAROL A MEAD  
COMMON PLEAS COURT  
ASHTABULA CNTY, OH.  
FILED

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CONSENT ORDER

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The State of Ohio, by and through Attorney General Betty D. Montgomery, at the written request of the Executive Committee of the State Emergency Response Commission, ("SERC") filed a Complaint in this matter seeking injunctive relief and civil penalties from Defendant Ashta Chemicals, Inc. ("Ashta") for violations of Ohio Revised Code ("R.C.") Chapter 3750. The parties have reached agreement on the issues of injunctive relief and civil penalties. Therefore, without trial of any issue of fact or law, and without any admission of law or fact by Defendant, it is hereby ADJUDGED, ORDERED and DECREED as follows:

I. JURISDICTION AND VENUE

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

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon Ashta, its agents, officers, servants, employees, assigns, successors in interest and any person in active concert or participation with it who received actual notice of this Order.

### III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Order shall constitute full satisfaction of any civil liability of Ashta for the claims alleged in the State's Complaint. This Order shall not be construed to limit the authority of the State to seek relief for claims or conditions not specifically alleged in the Complaint, including, but not limited to, claims brought under Chapters 3734, 3704, 6111, and 3750 of the Ohio Revised Code which arise after the filing of this Complaint.

### IV. INJUNCTION

4. Ashta is hereby enjoined and ordered to comply with the requirements of Chapter 3750. of the Ohio Revised Code, specifically including the reporting requirements contained in R.C. § 3750.06.

5. Within forty-eight (48) hours of the entry of this Order, Ashta is ordered and enjoined to conspicuously post and maintain the SERC/OEPA emergency telephone number at telephone locations in the control room and in the shift foreman's office at the Ashta facility.

6. Within ninety (90) days of the entry of this Consent Order, Ashta is ordered and enjoined to provide documentation that all appropriate operations personnel at its Middle Road facility have been trained in the verbal and written reporting requirements of R.C. §3750.06. The documentation shall contain a brief description of the training program's content and the means by which and to whom training was administered. Ashta is ordered and enjoined to send such documentation to Ken Schultz, or his successor, Ohio EPA, Division of Emergency and Remedial Response, 1800 WaterMark Drive, Columbus, Ohio 43266-0149. Ashta is ordered and enjoined to provide such documentation, in the manner set forth above, on or before September 15th of each calendar year for five (5) consecutive years beginning with calendar year 1995.

### V. CIVIL PENALTY

7. Within seven (7) days of the entry of this Order, Ashta shall pay a civil penalty of Three Thousand Dollars (\$3,000.00) pursuant to R.C. §.3750.20. Payment shall be made by delivering a certified check or money order to Matt Sanders, Administrative Assistant, Attorney

General's Office, Environment Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428. The check or money order shall be made payable to "Treasurer, State of Ohio." Pursuant to R.C. § 3750.20, the check shall be deposited in the emergency planning and community right-to-know fund.

**VI. COSTS**

8. Ashta is hereby ordered to pay the court costs of this action.


ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995.


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**JUDGE**

APPROVED:

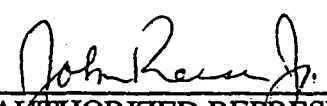
**ASHTA CHEMICALS, INC.**

**BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO**

  
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**JOHN REESE**  
Vice President of Manufacturing  
3509 Middle Road  
P.O. Box 858  
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(216) 997-5221

  
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Environmental Enforcement Section  
30 E. Broad Street, 25th Floor  
Columbus, Ohio 43215-3428  
(614) 466-2766

Counsel for the State Emergency  
Response Commission

  
\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE of  
Ashta Chemicals, Inc.