

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.	:	CASE NO. _____
LEE FISHER	:	278073
ATTORNEY GENERAL OF OHIO,	:	JUDGE _____
	:	
Plaintiff,	:	090 THOMAS J. POKORNY
	:	
vs.	:	
	:	
ATLAS IRON PROCESSORS, INC.	:	<u>CONSENT ORDER</u>
	:	
Defendant.	:	

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Lee Fisher (hereinafter "Plaintiff") and Defendant Atlas Iron Processors, Inc. (hereinafter "Defendants") having consented to the entry of this Order,

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

I. JURISDICTION AND VENUE

1. 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.

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the Defendant to this action, its agents, officers, employees, and any person active in concert or participation with any of them who receive actual notice of the order. Defendant shall provide a copy of this Consent Order to the employee responsible for the day to day operation of its scrap metal processing facility located at 8550 Aetna Road, Cleveland, Ohio in Cuyahoga County.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that the Defendant has operated and maintained its scrap metal processing facility located at 8550 Aetna Road, Cleveland, Ohio in Cuyahoga County in a manner that has resulted in violation of the air pollution laws and regulations of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all violations 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.

IV. PERMANENT INJUNCTION

4. Defendant agrees to refrain and is hereby permanently enjoined from "installing" or "modifying" any "air contaminant source", as those terms are defined in O.A.C Rule 3745-31-01(I), (J), and (D) respectively, at its 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). Additionally, except as authorized under O.R.C. Section 3704.03(F), Defendant agrees to refrain and is hereby permanently enjoined from operating any "air contaminant source", as that term is defined in O.A.C. Rule 3745-35-01(B)(1), at its facility without first applying for and obtaining a Permit to Operate ("PTO") from Ohio EPA in accordance with O.A.C rule 3745-35-02(A); provided, however, that pending Ohio EPA's actions on Defendant's PTO applications for sources F001, F002, F003 and F004, Defendant need not cease operation of such sources solely because Ohio EPA has not yet taken action on the PTO applications.

V. CIVIL PENALTY

5. Pursuant to O.R.C. Section 3704.06, Defendant shall pay to the State of Ohio a civil penalty of Fifteen Thousand Dollars (\$15,000.00). This payment shall be made within thirty (30) days of entry of this Consent Order by tendering a certified check made payable to the "Treasurer, State of Ohio to:

Administrative Assistant
Environmental Enforcement Section
Office of the Ohio Attorney General
30 East Broad Street - 25th Floor
Columbus, Ohio 43215-3428

VI. RETENTION OF JURISDICTION

6. The Court will retain jurisdiction of this action for purposes of enforcing this Order.

VII. COSTS

7. Defendants are hereby ordered to pay the costs of this action.


IT IS SO ORDERED.

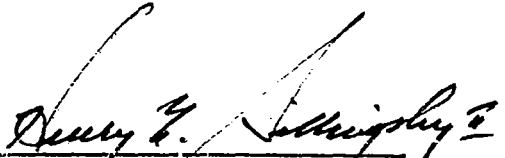

JUDGE

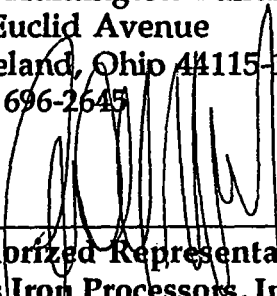
10-14-94
DATE

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

ATLAS IRON PROCESSORS, INC.


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