

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

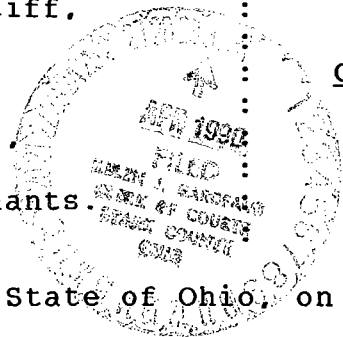
STATE OF OHIO, ex rel. : CASE NO.
ANTHONY J. CELEBREZZE, JR. :
ATTORNEY GENERAL OF OHIO, : JUDGE
: :
Plaintiff, : :

v. :

BOW PARTNERS, et al. :

Defendants. : :

CONSENT ORDER



The Plaintiff, State of Ohio, on relation of Anthony J. Celebrezze, Jr., Attorney General of Ohio ("State" or "Plaintiff"), having filed the Complaint in this action against Defendants, BOW Partners, George F. Braden, Gerald S. Orn and John A. Woodhall, Jr. ("hereinafter Defendants") to enforce the State of Ohio's hazardous waste laws and regulations thereunder and Plaintiff and Defendants having consented to entry of this Consent Order:

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

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter herein, pursuant to R.C. Chapter 3734. The Complaint states a claim upon which relief can be granted against the Defendants. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

II. PERSONS BOUND BY THE ORDER

2. The provisions of this Consent Order shall apply to and be binding upon the Defendants and any agents, officers, employees, assigns, and successors in interest, and those in active concert or participation with them who receive actual notice of this Consent Decree whether by personal service or otherwise. Defendants shall give a copy of this order to the consultant who will be performing the work pursuant to Section IV of this Order.

III. SATISFACTION OF LAWSUIT

3. Defendants are the owners of the property located at 1245 Raff Road S.W., Stark County, Canton, Ohio 44710 (hereinafter "facility").

4. Plaintiff alleges in its Complaint that Defendants have established and/or own a hazardous waste facility without obtaining an installation and operator permit from the Hazardous Waste Facility Board; that the Defendants have failed to have an approved written closure plan; that Defendants failed to close the facility in accordance with an approved closure plan. These actions are alleged to violate Chapter 3734 of the Revised Code and the regulations adopted thereunder. Defendants neither admit nor deny the allegations contained in Plaintiff's Complaint.

5. The parties wish to resolve this action without litigation and have, therefore, agreed to the entry of this Consent Order without the admission or adjudication of any issue of fact or law.

6. The compliance with the terms of this Consent Order shall be full satisfaction for Defendants' civil liability for the claims alleged in Plaintiff's Complaint.

7. Nothing in this Decree shall be construed to limit the authority of the State of Ohio to seek relief for claims not alleged in the complaint or which occur after the entry of this order.

IV. CLOSURE

8. Within sixty (60) days of the entry of this Order, Defendants shall submit an approvable closure plan for the facility which meets the requirements of O.A.C. Chapter 3745-66, to Sheryl Slone, Northeast District Office of the Ohio EPA, 2110 East Aurora Road, Twinsburg, Ohio and three copies to Thomas Crepeau, Ohio EPA, 1800 Watermark Drive, Columbus, Ohio 43266-0149, for the remediation of waste contamination due to the handling, treatment, storage and/or disposal of hazardous waste at the facility.

9. If Ohio EPA notifies the Defendants in writing of deficiencies in part or all of the closure plan, the Defendants shall address these deficiencies and resubmit the closure plan

in an approvable form to Ohio EPA within 30 days of Ohio EPA's notification of the deficiencies. This duty to resubmit a revised approvable closure plan does not release Defendants from the duty to submit an approvable closure plan in the first instance.

10. The Defendants are enjoined and ordered to fully implement the closure plan as approved by the Ohio EPA in accordance with O.A.C. Chapter 3745-66, including but not limited to O.A.C. Rule 3745-66-13, time allowed for closure, and R.C. Chapter 3734.

11. The Defendants are enjoined and ordered to certify completion of closure in accordance with O.A.C. Rule 3745-66-15.

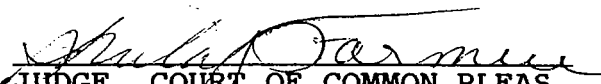
V. PERMANENT INJUNCTION

12. The Defendants are permanently enjoined from engaging in any future storage, treatment or disposal of hazardous waste without first obtaining, as may be required by law, a hazardous waste facility installation and operation permit.

VI. GENERAL PROVISION

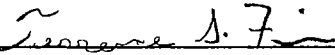
13. This Court shall retain jurisdiction of this matter for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Consent Decree.

14. The Defendants shall pay all costs of this action.


JUDGE, COURT OF COMMON PLEAS

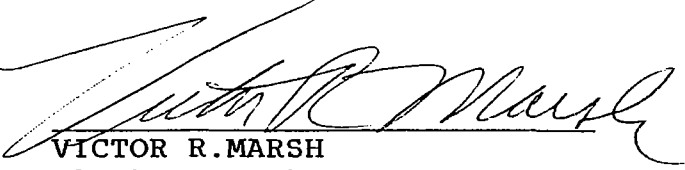
APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO



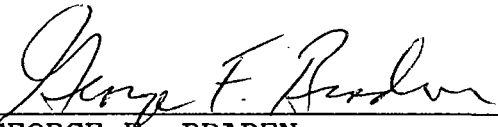
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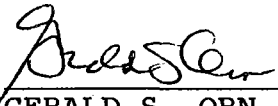
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