

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO
30 East Broad Street
Columbus, Ohio 43266-0410,

Plaintiff,

v.

COOPER ENERGY SERVICES
105 North Sandusky Street
Mt. Vernon, Ohio 45014,

and

COOPER INDUSTRIES, INC.
1001 Fannin Street,
Suite 3900
Houston, Texas 77002,

Defendants.

Case No. 95IN010012

Judge

E1 92 0348

CONSENT ORDER

FILED
KNOX COUNTY
COURT OF COMMON PLEAS
95 FEB - 6 AM 10:56
TERESA BEMILLER
CLERK OF COURTS

The State of Ohio, by its Attorney General, Betty D. Montgomery ("Plaintiff"), filed a Complaint seeking injunctive relief and a civil penalty against Defendants Cooper Energy Services and Cooper Industries, Inc. ("Defendants") for alleged violations of Ohio Revised Code ("O.R.C.") Chapter 3751 and the rules adopted thereunder. With regard to these issues, on December 31, 1994, the parties reached agreement as to the terms of permanent injunctive relief and the payment of a civil penalty.

Therefore, without trial of any issues of law or fact, without admission of any.

allegation in the Complaint, and upon consent of the parties, 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 Ohio Revised Code Chapter 3751. This Court has jurisdiction over the parties hereto. The Complaint states a claim upon which relief can be granted. Venue is proper in this Court.

II. PERSONS BOUND

2. The provisions of this Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns and successors in interest.

III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Order shall constitute full satisfaction of any civil liability of Defendants for the violations of O.R.C. Chapter 3751 and regulations adopted thereunder alleged in the Complaint.

4. This Order does not limit the authority of the State of Ohio to seek relief for any violation not alleged in the Complaint, including violations O.R.C. Chapter 3751 and the regulations thereunder not known at this time or violations of such laws and regulations occurring after the filing of this Consent Order.

IV. DEFINITIONS

5. Unless otherwise stated, all terms used in this Order shall have the same meaning as used in O.R.C. Chapter 3751 and the regulations adopted thereunder.

V. INJUNCTION

6. Defendants agree to refrain and are permanently prohibited from violating O.R.C. Chapter 3751 and all rules adopted thereunder. Specifically, Defendants agree and are hereby permanently enjoined and ordered to comply with the reporting requirements of O.R.C. Section 3751.03 and O.A.C. Rule 3745-100-07.

VI. CIVIL PENALTIES

7. Defendant Cooper Energy Services is assessed a civil penalty of Sixty-Three Thousand, Seven Hundred and Fifty Dollars (\$63,750.00). Said Defendant shall pay Forty-Two Thousand, Five Hundred Dollars (\$42,500) of such penalty by delivering to Matthew Sanders, Administrative Assistant, or his successor, a certified check in that amount made payable to "Treasurer, State of Ohio". This penalty amount shall be credited to the Toxic Chemical Release Reporting Fund established under O.R.C. Section 3751.05(D). Said Defendant shall deliver said check within thirty (30) days from the date of entry of this Consent Order. Payment of the remaining Twenty-One Thousand, Two Hundred and Fifty Dollars (\$21,250) is suspended as long as said Defendant complies with paragraph 8 of this Consent Order; provided, however, that in the event said Defendant fails to comply with paragraphs 8(a) and/or 8(b) of the Consent Order then Defendant shall pay the

additional penalty(ies) of Fifteen Thousand Dollars (\$15,000) and/or Six Thousand, Two Hundred and Fifty Dollars (\$6,250), respectively, to the State in the manner described above.

8. Defendant Cooper Energy Services agrees and is hereby ordered to complete the following supplemental environmental projects:

- a. By November 30, 1994, purchase and install a new Parts Washer for Building 43 at the Mt. Vernon facility which will use water-based, rather than solvent-based, cleaning agents. The Parts Washer shall be fully operational by no later than April 28, 1995.
- b. By November 30, 1994, purchase and install a new Wastewater Recycling System for parts cleaning in Building 24 at the Mt. Vernon facility which will greatly reduce the amount of waste generated by the parts cleaning process. The new recycling system shall be fully operational by no later than February 28, 1995.

Further, Defendant Cooper Energy Services agrees and is ordered to submit to Ohio EPA's Division of Air Pollution Control, no later than six months after the installation dates set forth above, a report which documents, describes, and quantifies the actual environmental benefits derived from the installation and operation of these two supplemental projects.

VII. ENFORCEMENT COSTS

9. Defendants shall pay the enforcement costs of the Ohio Attorney General expended in pursuing the instant action, totalling five thousand dollars (\$5,000), by delivering a certified check in such amount made payable to the order of "Treasurer, State of Ohio" to Matthew Sanders, Administrative Assistant, or his

successor, within thirty (30) days after entry of this Consent Order. Any check submitted in compliance with this Section shall be in addition to and separate from any check submitted pursuant to any other Section of this Consent Order.

VIII. RETENTION OF JURISDICTION

10. This Court shall retain jurisdiction of this action for the purpose of enforcing this Consent Order.

IX. MISCELLANEOUS

11. This Order shall be effective upon the date of entry by the Court.

12. All payments submitted pursuant to paragraphs 7 and 9 shall be submitted to:

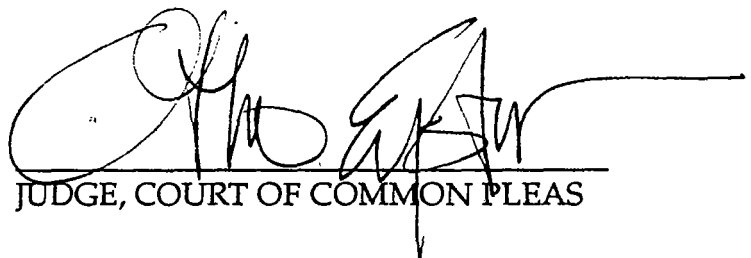
Matthew Sanders
Administrative Assistant
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-1910

13. Nothing in this Consent Order shall release Defendants of their obligation to comply with applicable state or local statutes, rules, or ordinances.

14. Defendants shall pay any court costs in this action.

IT IS SO ORDERED.


DATE




JUDGE, COURT OF COMMON PLEAS

Agreed to:

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



**CHRISTOPHER KORLESKI (0039770)
JOAN R. KOOISTRA (0055226)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43266-0410
Telephone: (614) 466-2766
Attorneys for Plaintiff**

COOPER ENERGY SERVICES


**Authorized Representative,
Cooper Energy Services**

COOPER INDUSTRIES, INC.


**Authorized Representative,
Cooper Industries, Inc.**


**VAN CARSON (0001324)
DOUGLAS A. McWILLIAMS (0063832)
Squire, Sanders & Dempsey
4900 Society Center
127 Public Square
Cleveland, Ohio 44114-1304
(216) 479-8500**

Attorneys for Defendants