

**COPY**

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FAYETTE COUNTY

IN THE COURT OF COMMON PLEAS  
FAYETTE COUNTY, OHIO

WASHINGTON C.H. OHIO  
98 JUN 11 AM 11:50

STATE OF OHIO, ex rel. )  
BETTY D. MONTGOMERY, )  
ATTORNEY GENERAL OF OHIO, )  
 )  
Plaintiff )  
 )  
v. )  
 )  
 )  
CRANE CO., et al., )  
 )  
Defendants )

Case No. 9700078CVH

Judge Pontious

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**CONSENT ORDER**

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The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio, by its Attorney General, Betty D. Montgomery, and Defendants Crane Co. and Dyrotech Industries, Inc. having consented to the entry of this Order,

NOW THEREFORE, without trial of any issue of fact or law, without any admission of any violation or liability, 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 parties and the subject matter of this case.

The Complaint states a claim upon which relief can be granted against Defendants 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 to and be binding upon the parties to this action, their agents, officers, employees, assigns and successors in interest.

## **III. SATISFACTION OF LAWSUIT**

3. Plaintiff alleges in its Complaint, inter alia, that Defendants installed and operated sources without permits and emitted excessive organic compounds in violation of the air pollution control laws and regulations of the State of Ohio.

4. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendants for all violations under such laws and regulations 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 Decree.

## **IV. PERMANENT INJUNCTION**

5. Defendants are hereby enjoined and ordered to immediately and permanently comply with Chapter 3704 of the Ohio Revised Code and the regulations adopted thereunder, including but not limited to Ohio Admin. Code Rules 3745-31-02 and 37435-21-07 to the extent applicable. Defendants are further enjoined and ordered to comply with the all applicable terms and conditions of all existing air permits to install and existing air permits to operate issued to Defendants.

## V. CIVIL PENALTY

6. In addition to the injunctive relief set forth, Defendants shall pay a civil penalty of three hundred and fifty thousand dollars (\$350,000.00). This penalty shall be paid by delivering a certified check to Jena Suhadolnik, Administrative Assistant, Environmental Enforcement Section, Office of the Attorney General of Ohio, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, payable to the order of Treasurer, State of Ohio, within thirty (30) days of the entry of this Order.

## VI. STIPULATED PENALTIES

7. In the event that Defendants fail to comply with any of the requirements imposed by Paragraph five (5) of this Consent Order, the Defendants shall pay a stipulated penalty in accordance with the following schedule:

- a) for each source installed without a required permit to install on or after the date of entry of this Consent Decree, Defendants shall pay ten thousand dollars (\$10,000.00) per violation;
- b) for each violation of a term or condition of a permit to install or a permit to operate, five hundred dollars (\$500.00) per day of violation.

8. Payment of all stipulated penalties shall be paid made by Defendants delivering to Plaintiff c/o Jena Suhadolnik, Administrative Assistant, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a certified check payable to the order of "Treasurer, State of Ohio," immediately upon the occurrence of the violation giving rise to the penalty.

9. The imposition, payment and collection of stipulated penalties pursuant to violations of this Consent Order shall not prevent the State from pursuing additional remedies, whether civil, criminal or administrative, for violations of applicable laws.

#### **VII. RETENTION OF JURISDICTION**

10. This Court will retain jurisdiction of this action for purposes of enforcing this Consent Order.

11. No earlier than two (2) years from the date of entry of this Consent Order, Defendants may move this Court to terminate this Consent Order if Defendants can demonstrate that: (1) they have remained in compliance with all requirements of this Consent Order for such two (2) year period; and (2) they have paid all penalties required by this Consent Order. The Plaintiff takes no position at this time as to such motion and reserves any rights it may have to oppose the motion. Termination of this Consent Order shall occur by written order of this Court, upon written application by Defendants, after a determination that the requirements of this Paragraph have been satisfied. In no event, however, shall this Consent Order be enforceable after five (5) years from the date of entry.

#### **VIII. COSTS**

12. Defendants hereby agree and are ordered to pay the court costs of this action.

**IX. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK**

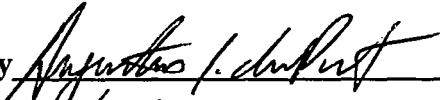
12. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order by this Court, the clerk is directed to enter it upon the journal. Within three (3) days of entering the Consent Order upon the journal, the clerk is directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Judge Victor D. Pontious, Jr.

Dated: June 11, 1998

Crane Co.

by   
\_\_\_\_\_


Title: Vice President, General Counsel  
& Secretary  
Dyrotech Industries, Inc.

by   
\_\_\_\_\_


Title: President  
\_\_\_\_\_

**APPROVED:**

BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO

  
\_\_\_\_\_  
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Telephone: (614) 227-2097

Attorneys for Defendants  
Crane Co. and  
Dyrotech Industries, Inc.

By   
\_\_\_\_\_  
Susan E. Ashbrook (0039483)  
April R. Bott (0066463)  
Assistant Attorneys General  
Office of the Attorney General of Ohio  
Environmental Enforcement Section  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215-3428

Attorneys for Plaintiff State of Ohio

FAYETTE COUNTY CLERK OF COURTS  
110 E. COURT ST.  
WASHINGTON C.H., OHIO 43160

OHIO, STATE OF

CASE# 970078 CVH

vs.

CERTIFICATE OF SERVICE

CRANE, CO.

The undersigned hereby certifies that a copy of the foregoing pleading was served by ordinary U.S. Mail to all parties listed below this Jun 11, 1998 .

Susan E. Ashbrook  
30 E. Broad St., 25th Fl.  
Columbus, OH 43215

April R. Bott  
30 E. Broad St., 25th Fl.  
Columbus, OH 43215

Christopher R. Schraff  
41 S. High St.  
Columbus, OH 43215

Clerk of Courts

by Janet L Miller  
Deputy Clerk