

FILED

IN THE COURT OF COMMON PLEAS
GUERNSEY COUNTY, OHIO

1986 JUN -4 AM 11:03

STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

Case No. 85-M-55
Previous Case No. 31855

Plaintiff,

vs.

CYCLOPS CORPORATION,

Defendant.

CONSENT JUDGMENT

This case is before the Court pursuant to the filing of a Complaint, Motion for Preliminary and Permanent Injunction, and a Memorandum in Support of the Motion against the Defendant by the State of Ohio on relation of its Attorney General and at the written request of the Director of Environmental Protection. The parties, through their respective attorneys, now consent to the entry of this Judgment. By giving consent to the entry of this Judgment, the Defendant does not admit and the Court does not find any facts or violations of law as alleged in the Complaint or the Amended Complaint.

THEREFORE, before the taking of testimony or admission of evidence, upon the pleadings it is hereby ORDERED, ADJUDGED and DECREED:

JURISDICTION

1. This Court has jurisdiction over the parties and the subject matter of the case.

CLAIM

2. The Complaint states a claim upon which, if proven, relief may be granted against the Defendant.

PERSONS BOUND

3. This Judgment is binding upon the parties to this action, including the parents, subsidiaries, affiliates, divisions, officers, directors, agents, agencies, servants, employees, successors, representatives, and/or assigns of the Plaintiff and Cyclops Corporation.

SATISFACTION OF THE LAWSUIT

4. Compliance with the terms of this Consent Judgment shall constitute full satisfaction of any civil or criminal liability of the Defendant for all environmental law and regulation violations of Chapter 3704 of the Revised Code known to the Plaintiff at this time for the Defendant's operation of

a coil coating line at its facilities located at 530 North Second Street, Cambridge (Guernsey County), Ohio, also known as the Elwin G. Smith Construction Products, Inc., a subsidiary of Cyclops Corporation. This Judgment shall not limit the authority of the State of Ohio to seek relief for other claims not know at this time or claims involving other operations of the Defendant.

PERMITS

5. Defendant has submitted an application for a Permit to Operate (hereinafter "PTO") the McKay Machine Coil Coating Line also known as the 60-inch Paint Line operated at their facility located at 530 North Second Street, Cambridge, Ohio.

6. Defendant agrees to comply with the draft Terms and Conditions for its PTO to be issued by the Director of Environmental Protection for this 60-inch Paint Line to the Elwin G. Smith Construction Products, Inc. a subsidiary of the Defendant under Application No. 0630010006 P001, a copy of which is attached to this Judgment as an Appendix.

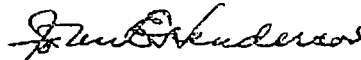
7. Defendant will pay the appropriate permit application fees required by law or regulation.

MONETARY RELIEF

8. In addition to any fees as stated in paragraph 7 above, the Defendant shall pay two thousand dollars (\$2,000.00) to the Plaintiff as reimbursement of costs for the investigation and filing of this case. Payment shall be made by tendering a check payable to the "Treasurer of the State of Ohio" for this amount in full to Plaintiff's counsel upon approval of this Consent Judgment.

COSTS AND ATTORNEYS FEES

9. Defendant shall pay all costs of this action. Each party shall be responsible for its own attorney's fees.



JUDGE JOHN E. HENDERSON


APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

CYCLOPS CORPORATION

BY: _____

DALE T. VITALE
Assistant Attorney General
Environmental Enforcement
Section
30 E. Broad St., 17th Floor
Columbus, Ohio 43215

BY: _____

JOHN W. HOBERG
Vorys, Sater, Seymour & Pease
52 E. Gay Street
Columbus, Ohio 43215

APPENDIX

APPLICATION NUMBER: 0630010006 P001
FACILITY NAME: Elwin G. Smith Div. Cyclops Corp.
EQUIPMENT DESCRIPTION: McKay Machine Co. Coil Coating Line
COMPANY ID: 60 in. Paint Line

SPECIAL TERMS AND CONDITIONS

1. Applicable Rules:

The following rules of the Ohio Administrative Code establish the applicable emission limitations and/or control requirements for this source:

3845-21-09 (E)

(This condition in no way limits the applicability of other requirements of the Ohio Administrative Code to this source.)

2. Allowable mass emission limitation(s) and/or control requirements:

The mass emissions from this source shall not exceed the following:

2.6 pound VOC per gallon of coating applied, minus water

3. Record-keeping and reporting requirements for surface coating or printing lines:

This facility shall maintain monthly records which list the following information for each surface coating or ink employed in this source.

- (a) the company identification of the surface coating;
- (b) the number of gallons employed;
- (c) the VOC content, in pounds of VOC per gallon of coating;
- (d) the VOC content, in pounds of VOC per gallon of coating, minus water;
- (e) the water content, in percent by volume; and
- (f) The nonvolatile (solids) content, in percent by volume.

These monthly records, as well as any supporting coating or ink analyses and computations, shall be retained in the company's files for a period of not less than two years and shall be made available to the Director or any authorized representative of the Director for review during normal business hours.

...Continued

This facility shall submit semiannual reports to the Ohio EPA field office which summarize the following information for each coating employed in this source during the previous six calendar months: company identification of the surface coating, the total number of gallons employed, the VOC content (in pounds VOC per gallon of coating, minus water), the water content and the nonvolatile (solids) content. The reports shall be submitted by February 15 and August 15 of each year and shall cover the previous six calendar months (July through December and January through June, respectively).

4. Coating of aluminum coil less than .040 inches in thickness shall be limited to one sixth of the operating time in any calendar day.
5. Identification of the Ohio EPA Field Office Which Must Receive Reports, Test Results, Notifications, etc:

Unless otherwise specified, all reports, test results, notifications, etc. required by the above terms and conditions shall be submitted to or made to the following Ohio EPA field office:

Southeast District Office
Ohio EPA
2195 Front Street
Logan, Ohio 43138

614-385-8501

Prepared by: Glen A. Greenwood
Date prepared: March 7, 1986