

IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, OHIO

STATE OF OHIO, EX REL. :
ANTHONY J. CELEBREZZE, JR. :
ATTORNEY GENERAL OF OHIO, :
 :
Plaintiff, :
 :
v. :
 :
DRAVO CORPORATION, :
 :
Defendant. :

86 SEP 9 PM 2 10

FILED
Case No. 86-07-202
CLEVELAND COURTS
JUDGE WASHINGTON COUNTY, OHIO

CONSENT JUDGMENT

The Complaint in the above-captioned case having been filed, and the Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr., (hereinafter "Plaintiff") and the Defendant, Dravo Corporation (hereinafter "Dravo"), having consented to this Consent Judgment.

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:

1. This Court has jurisdiction over the subject matter herein pursuant to Chapter 3734 of the Ohio Revised Code. The Complaint states a claim upon which relief can be granted against Dravo under this statute. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

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

3. Dravo operates a pipe fabrication facility in Marietta, Ohio.

4. In the course of operations in this facility, Dravo generates solid wastes and also generates paint wastes that exhibit the characteristic of ignitability as that term is defined in Rule 3745-51-21 of the Ohio Administrative Code, and which are further regulated pursuant to Rules 3745-51-24 and 3745-51-31 of the Ohio Administrative Code ("OAC").

5. At this Marietta facility, Dravo has engaged in waste disposal in an unlicensed solid waste facility in violation of Section 3734.02, 3734.03 and 3734.05 of the Ohio Revised Code, and the rules promulgated thereunder. This facility contains blasting sand, pipe debris, and other materials.

6. On one occasion, Dravo inadvertently disposed of 22 five gallon pails and two 55 gallon drums, some of which were empty, in the unlicensed solid waste facility at the Marietta facility. These pails contained paint that exhibited the characteristic of ignitability described above in Paragraph 4.

7. The paint waste described above in Paragraph 6 was removed from the waste disposal site at the Marietta facility and was stored at the Marietta facility in over packed drums in excess of ninety days without a permit as required by Rule 3745-52-34 of the Ohio Administrative Code while awaiting appropriate disposal.

8. The paint waste described in Paragraph 7 as well as some solid waste were removed from the Marietta facility and

incinerated at a permitted treatment, storage and disposal facility.

9. Compliance with the terms of this Consent Judgment shall constitute full satisfaction of the violations alleged in the Complaint filed in this matter.

10. By January 15, 1987, Dravo shall submit a groundwater monitoring plan for the solid waste facility to the Southeast District Office of the Ohio Environmental Protection Agency ("Ohio EPA") for its review and approval. This plan shall identify the direction and velocity of groundwater flow, describe the permeability of the soil under the facility, and identify the depth to bedrock under the facility. The plan shall propose locations for the installation of monitor wells, the construction details for their installation, and a timetable for installation. The plan shall provide for the parameters to be monitored and the frequency of sampling. The sampling shall be performed at least quarterly during the first year. The parameters monitored shall at least include those parameters listed in OAC 3745-27-09(G) as well as parameters indicative of the presence of any wastes (including paint wastes) which have been produced by Dravo's pipe fabrication facility.

11. Should Ohio EPA find deficiencies in the groundwater monitoring plan submitted by Dravo, Dravo shall correct these deficiencies within thirty (30) days after being notified of the deficiencies. After Ohio EPA approval of the plan, Dravo shall comply with the plan's requirements.

12. By January 15, 1987, Dravo shall submit to the Southeast District Office of the Ohio EPA a closure plan for the unlicensed solid waste facility located at the Marietta plant. The plan shall describe the actions which will be taken to close the solid waste facility in accordance with the procedures set forth in OAC 3745-27-10(C) through (H). The plan must also include measures which will prevent the landfilled materials from entering "waters of the state" (as defined by Revised Code 6111.01(H)) and will prevent water from infiltrating into the landfill. Should Ohio EPA find and identify deficiencies in this plan, Dravo shall correct these deficiencies within thirty (30) days after being notified of the deficiencies.

13. Dravo shall accomplish complete closure of the facility in accordance with the closure plan within the nearest four continuous months (excluding the winter months of November through March) after approval of the plan by the Ohio EPA.

14. Until such time as the closure plan is implemented, Dravo shall inspect the solid waste facility at a frequency sufficient to detect any leachate which is on the facility or is draining from the facility. If leachate is detected, Dravo shall either (a) contain the leachate on site and properly treat it or (b) collect and transport the leachate from the facility and properly treat it. Dravo shall minimize, control, or eliminate the conditions contributing to the production of leachate.

15. Within thirty (30) days after the entry of this Consent Judgment, Defendant shall pay to the State of Ohio a civil penalty of Fourteen Thousand Dollars (\$14,000.00) pursuant to Ohio Revised Code Section 3734.13(C). This civil penalty shall be paid by delivering to Plaintiff's counsel a certified check in such amount made to the order of "Treasurer of State of Ohio", which will be deposited into the Hazardous Waste Cleanup Special Account created by Ohio Revised Code Section 3734.28.

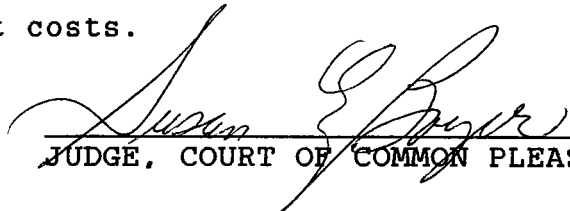
16. Defendant is prohibited and enjoined from disposing of blasting sand or pipe debris at any location other than a solid waste facility licensed pursuant to Ohio Revised Code Section 3734.05(A). This prohibition shall terminate if Ohio Revised Code Chapter 3734 or OAC Chapter 3745-27 is amended or interpreted by the courts or the Director of Ohio EPA (or his designee) to allow disposal of blasting sand or pipe debris at locations other than licensed solid waste facilities.

17. Defendant is prohibited and enjoined from violating Ohio Revised Code Sections 3734.02, 3734.03, and 3734.05 and OAC 3745-27-10.

18. At all times after entry of this Consent Judgment, Dravo shall comply with the applicable requirements of the Ohio Administrative Code Chapters 3745-50 through 3745-69.

19. The Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Consent Judgment.


20. Dravo shall pay court costs.



JUDGE, COURT OF COMMON PLEAS

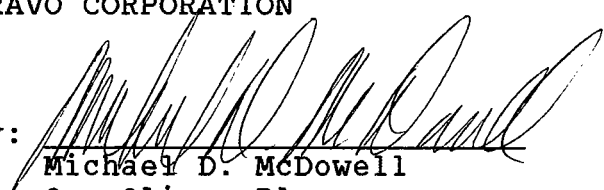
APPROVED:

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