

- b. "Defendant" means Endres Processing Ohio, LLC, n/k/a EP Processing Ohio, LLC. A Certificate of Cancellation for Defendant was filed with the Delaware Secretary of State on September 15, 2014.
- c. "The parties" shall mean the State of Ohio and Defendant.

II. JURISDICTION AND VENUE

2. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim for which relief can be granted pursuant to R.C. Chapter 3704. Venue is proper in this Court.

III. PERSONS BOUND

3. Defendant was a Delaware Limited Liability Company with its principal place of business at 7300 State Highway 199, Upper Sandusky, Ohio. Defendant was legally dissolved as of September 15, 2014, and is no longer an active Delaware Limited Liability Company.

4. The provisions of this Consent Order shall apply to and be binding upon Plaintiff and Defendant, and Defendant's agents, officers, and any person acting in concert, privity or participation with them.

IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

5. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant to the Plaintiff for the claims alleged in the Plaintiff's Complaint. Notwithstanding any other provision herein, the terms of this Consent Order shall not be construed as an admission of liability or fault by Defendant, or Defendant's agents or officers, or any person acting in concert, privity or participation with them.

6. This Consent Order shall not be construed to limit the authority of the Plaintiff to seek relief for violations not alleged in the Complaint, nor shall this Consent Order bar the State

from bringing any action against the Defendant for any violations that occur after the entry of this Order. Nothing in this Consent Order shall be construed to relieve Defendant of its obligations to comply with applicable federal, state or local statutes, regulations, or ordinances.

V. CIVIL PENALTY

7. Pursuant to and in accordance with R.C. 3704.06, Defendant agrees and is ordered and enjoined to pay a total civil penalty of Fifty Thousand Dollars (\$50,000.00).

8. The penalty payment shall be made by a certified check for the amount as stated above, payable to the order of "Treasurer, State of Ohio" and delivered within 30 days of entry of this Consent Order to Scott Hainer, Paralegal, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215. The memorandum portion of the check, or some other prominent location on the transmittal letter or documentation, shall include a reference to "A.G. EAGO No. 400790."

9. The payment(s) shall be credited by Ohio EPA to its accounts in the following fashion: \$10,000 shall be credited to Ohio EPA's Clean Diesel School Bus Fund, and \$40,000 shall be credited to the environmental education fund and the air pollution control administration fund in accordance with R.C. 3704.06.

10. In the event that Defendant fails to make the payment in full within 30 days of the due date, the Defendant will owe the full payment plus applicable interest pursuant to R.C. 131.02(D) and R.C. 5703.47 calculated from the Effective Date.

11. The State reserves the right to file a certificate of judgment lien against Defendant for the remaining unpaid balance of the total civil penalty, plus applicable interest per Paragraph 10 above, if the full payment is not paid according to the schedule in Paragraph 8 above.

Defendant shall not be permitted to claim a force majeure as an excuse for any untimely payment or partial payment of an amount less than that specified in Paragraph 7.

VI. COSTS

12. Defendant shall pay the costs of this action. The Parties shall otherwise bear their own attorneys' fees and expenses incurred in connection with this action.

VII. EFFECTIVE DATE

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

VIII. RETENTION OF JURISDICTION

14. The Court will retain jurisdiction of this action for purposes of enforcing this Order.

IX. SIGNATORIES

15. Each of the undersigned representatives of the Parties represents that they are fully authorized to enter into the terms and conditions of this Order and legally bind the respective party to this document.

X. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

16. Pursuant to Civ.R. 58, upon signing of this Order by the Court, the Clerk is directed to enter it upon the journal. Within three days of entering the judgment 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 Civ.R. 5(B) and note the service in the appearance docket.


IT IS SO ORDERED.

DATE

/S/ KATHLEEN A. AUBRY
JUDGE KATHLEEN AUBRY

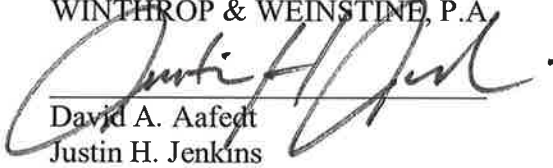
APPROVED:

DEFENDANT ENDRES PROCESSING
OHIO, LLC n/k/a EP Processing Ohio, LLC



Authorized Representative of Defendant


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