

JUN 25 7 38 PM '92

IN THE
COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

FILED
LUCAS COUNTY
JUN 22 3 23 PM '92

STATE OF OHIO, <i>ex rel.</i>	:	CASE NO. 86-0308
LEE FISHER	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE J. RONALD BOWMAN
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ERIE COATINGS AND CHEMICAL, INC.,	:	<u>AMENDED CONSENT ORDER</u>
<i>et al.</i> ,	:	<u>FOR PAYMENT OF CIVIL</u>
Defendants.	:	<u>PENALTY</u>

The Complaint and the Charges in Contempt in the above-captioned matter having been filed herein, and Plaintiff State of Ohio by its Attorney General, Lee Fisher, and Defendants Erie Coatings and Chemical, Inc., Edward Norton and Charles A. Osswald (hereinafter referred to collectively as "Defendants") having consented to the entry of this Amended Order,

NOW THEREFORE, without trial of any issue of fact or law, and upon consent of the parties hereto, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

I. JURISDICTION AND VENUE

The 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 3734. of the Ohio Revised Code ("RC"), the Charges in Contempt state a claim upon which relief can be granted pursuant to RC Chapters 2705. and 2727., and venue is proper in this Court.

II. PARTIES

The provisions of this Amended Consent Order shall apply and be binding upon the parties to this action, their agents, officers, employees, assigns, stockholders, board of directors, successors in interest, heirs, legatees, and any person acting in concert or privity with any of them. Each Defendant is jointly and severally liable for the payment of the civil penalty required by this Amended Consent Order.

III. SATISFACTION OF LAWSUIT

A. Plaintiff State of Ohio alleged in its Complaint that Defendants stored, treated, disposed and/or transported drums and other containers of hazardous waste in such a manner as to result in numerous violations of the hazardous waste laws of the State of Ohio, *i.e.*, RC Chapter 3734. and the rules adopted thereunder. Plaintiff alleged in the Charges in Contempt that Defendants failed to pay the balance of the civil penalty owed pursuant to the terms of the January 22, 1987 Consent Order Regarding Payment of a Civil Penalty ("January 22, 1987 Consent Order"). Compliance with the terms of this Amended Consent Order and the December 1, 1986 Consent Order shall constitute full satisfaction of any civil liability by Defendants for all claims alleged in the Complaint and the Charges in Contempt.

B. Nothing in this Amended Consent Order shall be construed to limit the authority of the State of Ohio to seek relief for violations which occur after the filing of the Complaint, or not alleged in the Complaint, regardless of when

said violations occurred.

C. Nothing in this Amended Consent Order shall be construed to limit the State of Ohio from requiring Defendants, pursuant to the provisions of RC Chapter 3734. and the rules adopted thereunder, and/or any federal law, to initiate appropriate corrective action to address contamination of the groundwater, surface water and/or soils at the Seaway Warehouse located at 900 W. Central Ave., Toledo, Lucas County, Ohio, or to recover costs incurred by the State for such remediation to which the State is entitled pursuant to state and/or federal law.

IV. CIVIL PENALTY

A. Defendants are ordered to pay to the State of Ohio the remainder of the Court ordered civil penalty, i.e., one thousand, four hundred forty dollars and fifty-two cents (\$1,440.52). This penalty shall be paid by delivering to the attorney for Plaintiff, or his successor, three (3) certified checks, payable to the order of "Treasurer, State of Ohio", to be deposited into the Hazardous Waste Special Cleanup Account, in accordance with the following payment schedule:

<u>Date Payment Due</u>	<u>Amount</u>
1. The first payment shall be made within seven (7) days of the Court's entry of this Amended Consent Order.	\$1,250.00
2. The second payment shall be made by June 1, 1992.	100.00
3. The third payment shall be made by July 1, 1992.	<u>90.52</u>
TOTAL	\$1,440.52

B. Any payment required to be made under the provisions of Paragraph A of this Article are deemed not to be suspended by the Court, in whole or in part, and shall be delivered to Plaintiff's attorney, and/or his successor, at the following address: Environmental Enforcement, 30 East Broad Street, 25th Fl., Columbus, Ohio 43266-0410.

C. In the event Defendants pay the sum of one thousand four hundred forty dollars and fifty-two cents (\$1,440.52) prior to July 1, 1992, Defendants shall not receive a refund of any interest due and owing to Plaintiff State of Ohio.

D. In the event Defendants fail to make any of the installment payments required by this Amended Consent Order at the appropriate time set forth herein, all remaining payments shall immediately and automatically become due and payable to Plaintiff State of Ohio.


V. RETENTION OF JURISDICTION

The Court will retain jurisdiction of this action for the purpose of enforcing the terms and provisions of this Amended Consent Order.

VI. COSTS

Defendants are hereby ordered to pay the costs of this action.

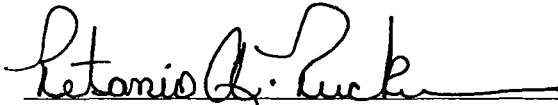
Entered this _____ Day of June, 1992.



JUDGE J. RONALD BOWMAN
STARK COUNTY COURT OF COMMON PLEAS
LUCAS

APPROVED:

LEE FISHER
ATTORNEY GENERAL OF OHIO


RETANIO A. RUCKER (0039744)
Assistant Attorney General

Environmental Enforcement
30 East Broad Street, 25th Fl.
Columbus, Ohio 43266-0410
(614) 466-2766

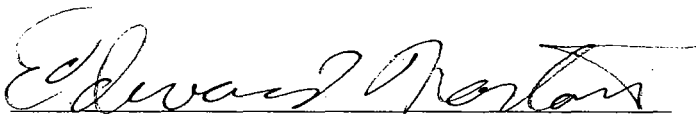
Attorney for Plaintiff State of Ohio



WALTER J. SKOTYNSKY, ESQ. (0008605)
1018 Adams Street
Toledo, Ohio 43624
(419) 241-8811

Attorney for Defendants Erie Coatings and
Chemical, Inc., Edward Norton and
Charles A. Osswald


EDWARD NORTON
President

Authorized representative
Defendant Erie Coatings
and Chemical, Inc.


EDWARD NORTON
(In his individual capacity)


CHARLES A. OSSWALD
(In his individual capacity)

1652E.1-6


IN THE
COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

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STATE OF OHIO, *ex rel.* : CASE NO. 86-0308
LEE FISHER :
ATTORNEY GENERAL OF OHIO, : JUDGE J. RONALD BOWMAN
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Plaintiff, :
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v. :
 :
ERIE COATINGS AND CHEMICAL, INC., : ENTRY OF SATISFACTION
et al., : AS TO AMENDED CONSENT
 : ORDER FOR PAYMENT OF
Defendants. : CIVIL PENALTY

CLERK OF COURTS

Now comes Plaintiff State of Ohio, by and through its attorney, and respectfully gives notice to this honorable Court that on May 28, 1992, Defendants Erie Coatings and Chemical, Inc., Edward Norton and Charles A. Osswald (hereinafter referred to collectively as "Defendants") delivered to Plaintiff's attorney check No. 2018, payable to the order of "Treasurer, State of Ohio", for one thousand four hundred forty dollars and fifty-two cents (\$1,440.52). See, Attachment. This check represents payment in full of the remainder of the Court ordered civil penalty in the case *sub judice*. As such, Defendants have satisfied Article IV of the Amended Consent Order for Payment of Civil Penalty.

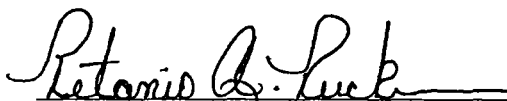
LEE FISHER
ATTORNEY GENERAL OF OHIO

RETANIO A. RUCKER (0039744)
Assistant Attorney General

Environmental Enforcement
30 East Broad Street, 25th Fl.
Columbus, Ohio 43266-0410
(614) 466-2766

Attorney for Plaintiff State of Ohio

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a copy of the foregoing *Entry of Satisfaction as to Amended Consent Order for Payment of Civil Penalty* and Attachment was sent by regular U.S. mail, postage prepaid, this 3rd day of June, 1992 to Walter J. Skotynski, Esq., 1018 Adams Street, Toledo, Ohio 43624--Attorney for Defendants Erie Coatings and Chemical, Inc., Edward Norton and Charles A. Osswald.



Retanio A. Rucker
Assistant Attorney General

WALTER J. SKOTYNSKY 06-86
TRUST ACCOUNT F/B LEGAL AID
1018 ADAMS ST.
TOLEDO, OH 43624

2018

56-14/412

May 21, 19 92

PAY TO THE ORDER OF Treasurer, State of Ohio

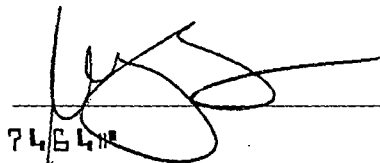
\$ 1,440.52

THE SUM OF 1440 DOLS & 52 CTS

DOLLARS

State of Ohio, ex rel. -vs- Erie Coatings
and Chemicals
Inc., et al.;
Case No. 86-0308; In The Court of Common Pleas
FOR of Lucas County, Ohio.

 OHIO CITIZENS BANK
A MEMBER OF NATIONAL CITY CORPORATION
TOLEDO, OHIO 43603-1688



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ATTACHMENT