

FILED
LUCAS COUNTY
JAN 22 10 25 AM '87
COMMON PLEAS COURT
CAROL A. PIETROWSKI
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

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

CASE NO. 86-0308
JUDGE ABOOD

Plaintiff,

vs.

ERIE COATINGS AND CHEMICAL,
INC., et al.,

Defendants.

CONSENT ORDER REGARDING PAYMENT OF A CIVIL PENALTY

The State of Ohio ("Plaintiff"), on the relation of its Attorney General, Anthony J. Celebrezze, Jr., filed a Complaint seeking injunctive relief and a civil penalty for alleged violations of Ohio Revised Code Chapter 3734, by Defendants Erie Coatings and Chemical, Inc., Edward Norton, and Charles A. Osswald. This Consent Order constitutes the final Order of this Court regarding the issue of payment of a civil penalty. The issue of permanent injunctive relief has been dealt with in a separate Consent Order which the Court journalized on December 1, 1986 (said Consent Order will hereinafter be referred to as the "Consent Order of December 1, 1986"). Both the Consent Order of December 1, 1986, and the instant Consent Order shall remain in full force and effect.

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

I. JURISDICTION AND VENUE

As to this Court's awarding of a civil penalty, this Court has jurisdiction over the subject matter pursuant to Chapter 3734 of the Ohio Revised Code; the Complaint states a claim upon which relief can be granted; the Court has jurisdiction over the parties hereto; and venue is proper in this Court.

II. PERSONS BOUND

The provisions of this Consent Order shall apply to and be binding upon the parties to this action. Each Defendant is jointly and severally liable to pay the civil penalty required by this Consent Order.

III. CIVIL PENALTY

The Defendants Erie Coatings and Chemical, Inc., Edward Norton and Charles A. Osswald are jointly and severally liable for and are ordered to pay a civil penalty of five thousand dollars (\$5,000.00), which amount includes interest. The five thousand dollars (\$5,000.00) shall be paid in semiannual installments of five hundred dollars (\$500.00) each. The first payment shall be made within thirty days (30) of the Court's approval of this Consent Order. Thereafter, the Defendants shall pay five hundred dollars (\$500.00) on or before July 1,

1987, January 1, 1988, July 1, 1988, January 1, 1989, July 1, 1989, January 1, 1990, July 1, 1990, January 1, 1991, and July 1, 1991. Each payment of five hundred dollars (\$500.00) shall be made by certified check or money order made payable to "Treasurer, State of Ohio". Each payment shall be mailed or delivered to Paul D. Hancock, or his designated successor, at the following address:

Ohio Attorney General's Office
Environmental Enforcement Section
30 East Broad Street, 17th Floor
Columbus, Ohio 43266-0410

This payment is to be deposited to the State of Ohio Treasury, to the credit of the Hazardous Waste Clean-up Special Account, created by Ohio Revised Code Section 3734.28. In the event the Defendants pay the sum of five thousand dollars (\$5,000.00) prior to July 1, 1991, they shall not receive a refund of any interest.

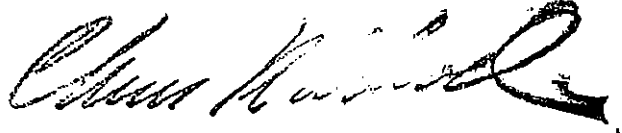
If the Defendants fail to make any of the installment payments provided for by this Consent Order at the time required by this Consent Order, all of the remaining payments immediately become due and payable to the Plaintiff.

IV. SATISFACTION OF LAWSUIT

Compliance by Defendants with the terms of this Consent Order and with the Consent Order of December 1, 1986, shall constitute a full satisfaction of any civil liability, claims or allegations, by Defendants, their past or current directors, officers or employees for all actions alleged in Plaintiff's Complaint.

V. COURT COSTS

Defendants shall pay court costs. Upon their payment of the court costs, Defendants are entitled to deduct twenty-nine dollars and ninety-two cents (\$29.92) from the five thousand dollar (\$5,000.00) civil penalty they are to pay.

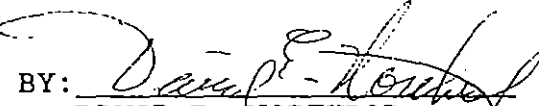


CHARLES D. ABOOD,
JUDGE

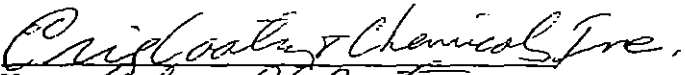
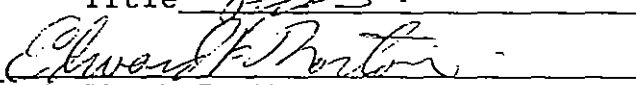
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO


ERIE COATING AND CHEMICAL, INC.

BY:



DAVID E. NORTHROP
Deputy Chief Counsel
(614) 466-5026
PAUL D. HANCOCK
Assistant Attorney General
(614) 466-2766
30 E. Broad St., 17th Floor
Columbus, Ohio 43266-0410
Counsel for Plaintiff
State of Ohio

BY:


Name Edward Norton
Title Pres.

EDWARD NORTON


CHARLES A. OSSWALD

APPROVED BY:


WALTER J. SKOTYNSKY
1018 Adams Street
Toledo, Ohio 43624

Counsel for Defendants

2862E

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.

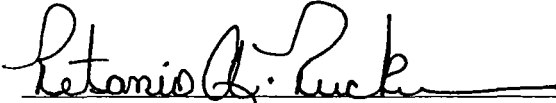
Entered this _____ Day of June, 1992.



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

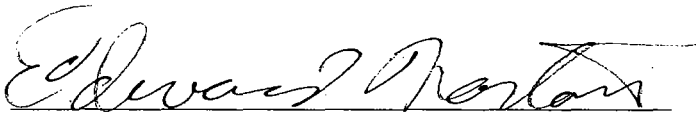
Attorney for Plaintiff State of Ohio



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

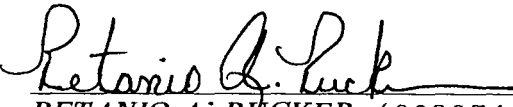
IN THE
COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

FILED
LUCAS COUNTY
JUN 22 3 24 PM

STATE OF OHIO, *ex rel.* : CASE NO. 86-0308
LEE FISHER :
ATTORNEY GENERAL OF OHIO, : JUDGE J. RONALD BOWMAN
 :
Plaintiff, :
 :
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.

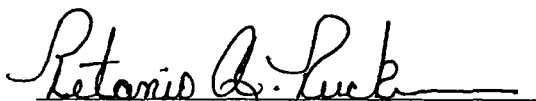
LEE FISHER
ATTORNEY GENERAL OF OHIO

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

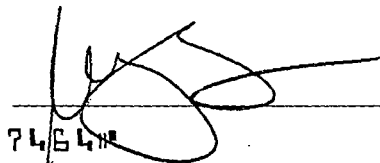
\$ 1,440.52

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