

CLERK OF COURTS
MAHONING COUNTY, OHIO
JUL 15 1991
FILED
ANTHONY VIVO, CLERK

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

STATE OF OHIO, *ex rel.* : CASE NO. 89-CV-392
ANTHONY J. CELEBREZZE, JR. :
ATTORNEY GENERAL OF OHIO, : JUDGE JENKINS
 :
 Plaintiff, :
 :
 vs. : CONSENT ORDER
 :
 F.C.A., INC., *et al.*, :
 :
 Defendants. :
 :

The Plaintiff, State of Ohio, *ex rel.* Anthony J. Celebrezze, Jr., Attorney General of Ohio ("State" or "Plaintiff"), having filed the Complaint in this action against Defendants F.C.A., Inc., aka Finishing Corporation of America ("F.C.A.") and John W. Rutana ("Rutana"), to enforce the State of Ohio's air pollution control laws and the rules promulgated thereunder concerning the Defendants' installation and operation of various air contaminant sources at the Defendants' facility located at 3770 Wilson Avenue, Campbell, Ohio (hereinafter the "facility"), and Plaintiff and Defendants F.C.A. and Rutana having consented to entry of this Order;

Therefore, without trial or admission of any issue of law or of fact, and upon the consent of the Plaintiff and Defendants F.C.A. and Rutana hereto, it is hereby *ORDERED, ADJUDGED* and *DECREED* as follows:

I. PERSONS BOUND

The provisions of this Consent Order shall apply to and be binding upon Defendants F.C.A. and Rutana, their agents, officers, employees, assigns, successors, and predecessors in interest.

II. SATISFACTION OF LAWSUIT

Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendants F.C.A. and Rutana for all claims against Defendants F.C.A. and Rutana alleged in the Complaint in this matter. Nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint, including violations or conditions which occur after the filing of the Complaint.

III. JURISDICTION AND VENUE

The Court has both personal and subject matter jurisdiction over Defendants F.C.A. and Rutana. The Complaint states a claim upon which relief can be granted against Defendants F.C.A. and Rutana under Chapter 3704. of the Ohio Revised Code ("ORC") and the rules promulgated thereunder. Venue is proper in this Court.

IV. PERMANENT INJUNCTION

Defendants F.C.A. and Rutana are hereby permanently enjoined and ordered to comply with ORC Chapter 3704. and the rules promulgated thereunder.

Defendants F.C.A. and Rutana are also permanently enjoined and ordered to refrain from installing and/or operating any "air contaminant source," as that term is defined in ORC

Section 3704.01, unless the installation and/or operation is conducted in accordance with the terms of a permit issued by the Director of Environmental Protection pursuant to ORC Chapter 3704.

V. CIVIL PENALTY.

It is hereby ordered that Defendant F.C.A. shall pay a civil penalty, pursuant to ORC Section 3704.06, of twenty-five thousand dollars (\$25,000.00). This civil penalty shall be paid by certified check made payable to "Treasurer, State of Ohio," which check shall be delivered by mail, or otherwise, to Shane A. Farolino, Assistant Attorney General, Office of the Attorney General, Environmental Enforcement Section, State Office Tower, 30 East Broad Street - 25th Floor, Columbus, Ohio 43266-0410. This penalty shall be paid within forty-five (45) days of the Court's entry of this Consent Order.

It is hereby ordered that Defendant Rutana shall pay a civil penalty, pursuant to ORC Section 3704.06, of five thousand dollars (\$5,000.00). This civil penalty shall be paid by certified checks made payable to "Treasurer, State of Ohio," which checks shall be delivered by mail, or otherwise, to Shane A. Farolino, Assistant Attorney General, Office of the Attorney General, Environmental Enforcement Section, State Office Tower, 30 East Broad Street - 25th Floor, Columbus, Ohio 43266-0410.

This penalty shall be paid in ^{six monthly} ~~two~~ installments of ~~two thousand~~ ^(~~\$2,500.00~~) ~~and a final payment of eight hundred~~ ^{dollars} ~~five hundred dollars (\$2,500.00)~~ with the first payment being ~~due within forty-five (45) days of the Court's entry of this~~ ^{on September 15, 1991 and each subsequent payment} ~~Consent Order and the second payment being due within ninety~~ ^(~~\$800.00~~) ~~(90) days of the Court's entry of this Consent Order.~~ ^{being due on the 15th of each month until paid in full.}


VI. RETENTION OF JURISDICTION

The Court will retain jurisdiction of this action for the purpose of overseeing that Defendants F.C.A. and Rutana carry out the terms and conditions of this Consent Order and comply with ORC Chapter 3704. and the rules adopted thereunder.

VII. COURT COSTS

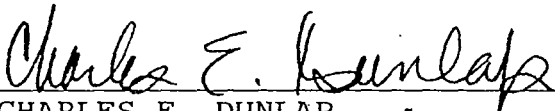
Defendants F.C.A. and Rutana shall pay the court costs incurred as of the date of the entry of this Consent Order.

ENTERED THIS 15 DAY OF July, 1991.



R. Scott Kraus
~~JUDGE JEFFREYS~~
Court of Common Pleas
Mahoning County, Ohio

APPROVED:

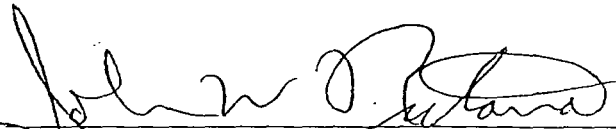
STATE OF OHIO,
ex rel. LEE FISHER
ATTORNEY GENERAL OF OHIO


Charles E. Dunlap
CHARLES E. DUNLAP
JEFFREY ADLER
700 Wick Building
34 Federal Plaza West
Youngstown, Ohio 44503

Counsel for Defendants
F.C.A., Inc. and John W. Rutana


Shane A. Farolino
SHANE A. FAROLINO
MARGARET A. MALONE
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street - 25th Floor
Columbus, Ohio 43266-0410
Telephone: (614) 466-2766

Counsel for Plaintiff
State of Ohio


John W. Rutana
JOHN W. RUTANA
Individually and on behalf of
F.C.A., Inc., as its President