

In the Court of Common Pleas  
Cuyahoga County, Ohio

State of Ohio, ex. rel.  
Betty D. Montgomery  
Attorney General of Ohio,

Plaintiff,

vs.

Forge Properties, Inc.,

Defendant.

: Case No. **316055**

:  
: Judge

**316055**

:  
: **FOR KATHLEEN A. INTINA**

**Consent Order and Final Judgment Entry**

Plaintiff, State of Ohio, ex rel. Betty D. Montgomery, Attorney General of Ohio, having filed the Complaint in this action against Defendant to enforce Ohio's hazardous waste laws found in Chapter 3734 of the Revised Code and rules adopted thereunder; and Plaintiff and Defendant having consented to the entry of this Order;

**THEREFORE**, without trial or admission 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. Definitions**

1. As used in this Consent Order:

a. "Consent Order" or "Order" means this Consent Order and Final Judgment Entry and all appendices hereto. In the event of conflict between this Order and any appendix, the Order shall control.

b. "Defendant" means Forge Properties, Inc.

c. "Director" means Ohio's Director of Environmental Protection.

d. "Facility" refers to the location where the alleged storage or other placement of hazardous waste was conducted by Defendant or any one of them, which facility is located at 24300 Solon Road, Bedford Heights, Cuyahoga County, Ohio.

e. "Ohio EPA" means the Ohio Environmental Protection Agency.

f. "O.A.C." means the Ohio Administrative Code.

g. "Plaintiff" means the State of Ohio by and through the Attorney General of Ohio.

h. "R.C." means the Ohio Revised Code.

## **II. Jurisdiction and Venue**

2. The Court has jurisdiction over the subject matter of this action, pursuant to R.C. Chapter 3734 and the rules adopted thereunder. This Court has jurisdiction over the parties. Venue is proper in this Court. The Complaint states a claim upon which relief can be granted.

## **III. Persons Bound**

3. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert, privity or participation with them who receives actual notice of this Consent Order whether by personal service or otherwise.

#### IV. Satisfaction of Lawsuit

4. Except as otherwise provided in this Consent Order, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant to Plaintiff for all claims alleged in the Complaint.

5. Nothing in this Consent Order, including the imposition of stipulated civil penalties, shall limit the authority of the State of Ohio to:

- a. Seek relief for claims or conditions not alleged in the Complaint;
- b. Seek relief for claims or conditions alleged in the Complaint which occur after the entry of this Consent Order;
- c. Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order;
- d. Bring any action against Defendant or against any other person, under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9601, et seq. and/or Ohio Revised Code Sections 3734.20 through 3734.27 to: (1) recover natural resource damages, and/or (2) to order the performance of, and/or recover costs for any removal, remedial or corrective activities not conducted pursuant to the terms of this Consent Order.
- e. Take any action authorized by law against any person, including Defendant, to eliminate or mitigate conditions at the Facility which may present an imminent threat to the public health or welfare, or the environment.

## **V. Civil Penalty**

6. Defendant is ordered and enjoined to pay to the State of Ohio a civil penalty in the amount of Ten Thousand Dollars (\$ \$10,000.00). This amount shall be paid by delivering to Plaintiff, c/o Matt Sanders, or his successor at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410, a certified check in that amount, payable to the order of "Treasurer, State of Ohio" within thirty (30) days from the date of entry of this Consent Order. This civil penalty shall be deposited into the hazardous waste clean-up fund created by O.R.C. Section 3734.28.

## **VI. Retention of Jurisdiction**

7. This Court will retain jurisdiction of this action for the purpose of enforcing this Consent Order.

## **VII. Costs**

8. Defendant is hereby ordered to pay the court costs of this action.

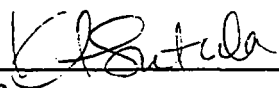
## **VIII. Entry of Consent Order and Judgment by Clerk**

9. Upon signing of this Consent 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 Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

**IX. Authority to Enter into the Consent Order**

10. Each signatory for a corporation represents and warrants that he/she has been duly authorized to sign this document and so bind the corporation to all terms and conditions thereof, and that he/she submits with this Consent Order an authenticated and certified resolution from the corporation establishing that he/she is so empowered.


Signed:

  
\_\_\_\_\_  
Judge  
Cuyahoga County  
Court of Common Pleas

Respectfully submitted,

Betty D. Montgomery  
Attorney General of Ohio

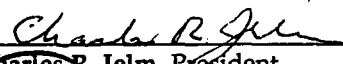

By:

  
\_\_\_\_\_  
John K. McManus (0037140)  
Luann L. Hoover (0062404)  
Assistant Attorneys General  
Environmental Enforcement Section  
30 East Broad Street, 25th Fl.  
Columbus, Ohio 43266-0410  
Telephone: (614) 466-2766

Attorneys for  
Plaintiff State of Ohio

Forge Properties, Inc.

By:

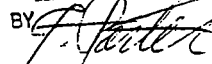
  
\_\_\_\_\_  
Charles R. Jelm, President  
Forge Properties, Inc.  
  
\_\_\_\_\_  
ROBERT M. MCINTYRE (0006768)  
McIntyre, Kahn, Kruse & Gillombardo  
1301 E. 9th Street, Suite 1200  
Cleveland, Ohio 44114  
(216) 579-4114

Attorney for Defendant, Forge Properties, Inc

RECEIVED FOR FILING

OCT 10 1996

GERALD E. FUERST, CLERK

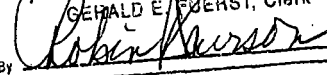
BY 

2006 PG0279

THE STATE OF OHIO } ss I, GERALD E. FUERST, CLERK OF  
Cuyahoga County } THE COURT OF COMMON PLEAS  
WITHIN AND FOR SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRUE AND  
AND COPIED FROM THE ORIGINAL  
Dated Oct 10, 1996

NOW ON FILE IN MY OFFICE.  
WITNESS MY HAND AND SEAL OF SAID COURT THIS  
DAY OF Nov A.D. 1996

GERALD E. FUERST, Clerk  
By  Deputy