

Int. Book

IN THE COURT OF COMMON PLEAS
HOCKING COUNTY, OHIO

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

Plaintiff,

vs.

GENERAL ELECTRIC COMPANY,

Defendant.

Case No. 87 CIV 308

JUDGE

FILED MAXINE DALTON CLK
HOCKING CO. COUNTY, OHIO
CONSENT JUDGMENT

'87 OCT 15 A9:13

The Complaint in the above-captioned case having been filed herein, and the Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr., and the Defendant General Electric Company, having consented to entry of this Consent Judgment,

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

I.

1. This Court has jurisdiction over the subject matter herein pursuant to Chapter 6111 of the Ohio Revised Code. The complaint states a claim upon which relief can be granted against the Defendant under this statute. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

II.

2. The provisions of this Consent Judgment shall apply to and be binding upon the signatories to this Consent Judgment, their agents, officers, employees, assigns, and successors in interest.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant violated O.R.C. 6111.04. Defendant denies the allegation. Compliance with the terms of this Consent Judgment shall be full satisfaction of Defendant's liability for the claims contained in Plaintiff's complaint, and for any other criminal or civil liability or any other action which could have been asserted against Defendant arising out of the occurrence and matters alleged in Plaintiff's Complaint. Neither this Consent Judgment nor the execution thereof, nor the performance of any act in compliance with the terms of this Consent Judgment shall constitute an admission by Defendant of any conclusion of law or finding of fact set out in Plaintiff's complaint or any violations of any laws or regulations, or be admissible as evidence of such in any judicial or administrative proceeding except an action to enforce this Consent Judgment.

4. Nothing in this Judgment shall be construed to limit the authority of the State of Ohio to seek relief for claims, except as provided in paragraph three (3).

IV. PAYMENTS TO STATE OF OHIO

5. Within fourteen (14) days after the entry of this Judgment, Defendant General Electric Co. shall pay to the State of Ohio the sum of Eighteen Thousand Dollars (\$18,000.00).

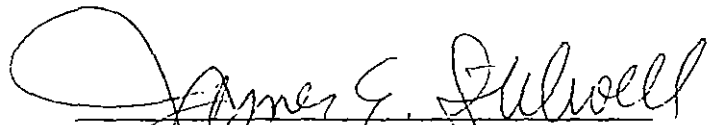
Pursuant to O.R.C. Section 6111.09, payment of Fifteen Thousand Nine Hundred Forty-one Dollars (\$15,941.00) of that sum shall be made by tendering the Plaintiff's attorney a certified check or money order in that amount, payable to "Treasurer, State of Ohio."

Pursuant to O.R.C. Section 3745.12, payment of Two Thousand Fifty-nine Dollars (\$2059.00) shall be credited to the Immediate Removal Special Account as reimbursement for the cost of emergency action taken by the Ohio Environmental Protection Agency, and shall be made by tendering to Plaintiff's attorney a certified check or money order in that amount, payable to "Treasurer, State of Ohio."

6. Within fourteen (14) days after the entry of this Judgment, Defendant shall contribute the sum of Seven Thousand Two Hundred Fifty-Eight Dollars and Twenty-Five Cents (\$7,258.25) to the City of Logan for the purchase of equipment at that City's waste water treatment plant. The parties intend that these funds will be used to purchase a new sewerage pump and a BOD incubator cabinet at the treatment plant and a vertical lift pump in the Goodyear Number Two Lift Station.

7. Defendant shall, within sixty days from the execution and approval of this Consent Judgment, submit to the Ohio Environmental Protection Agency, in accordance with Part II, paragraph 11 of Defendant's NPDES permit, a plan describing measures Defendant will take to prevent recurrence of the discharge of unauthorized pollutants from its cooling system. A copy of the pertinent portion of the permit is attached hereto and incorporated into this Consent Judgment. Defendant shall implement the plan upon approval by the Ohio EPA.


8. This Court shall retain jurisdiction of this matter for the purpose of making any order or decree which it may deem necessary at any time to carry out this Consent Judgment.

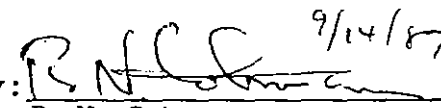

JUDGE, COURT OF COMMON PLEAS

Approved:

State of Ohio, ex rel.
Anthony J. Celebrezze, Jr.
Attorney General of Ohio

General Electric Company

By: 
Renee J. Houser
David I. Schiff
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Environmental Enforcement Section
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Columbus, Ohio 43266-0410
(614) 466-2766

By:  9/14/87
R. N. Cotman
General Manager, Glass Components
and Products Department
c/o Michael A. Lamanna
Nela Park #1200
Cleveland, Ohio 44112
(216) 266-3026

9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

11. Reporting of Unauthorized Discharges

The permit holder shall within one (1) hour of discovery report to the Ohio EPA by calling 614-299-6336 and the proper Federal Authority any unauthorized discharge of untreated or partially treated sewage, industrial wastes or other wastes into the waters of the state or into publicly-owned treatment works, when such discharges result from pipeline breaks, equipment malfunctions or failures, operator errors, accidents, process interruptions, or power failures. The report shall include the remedial steps being taken, the names and telephone numbers of persons who have knowledge of the circumstances surrounding such discharge and the names and telephone numbers of persons who are responsible for the remedial steps being taken. Such report shall be confirmed in writing within one week after the date of such discharge. Within thirty (30) days after such discharge, the permit holder shall report to what extent permanent measures can be taken to prevent recurrence of such discharge; any such measures proposed to be taken shall be submitted to the Ohio EPA for approval within sixty (60) days of such discharge.