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COMMON PLEAS COURT
FRANKLIN COUNTY, OHIO

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TIMOTHY C. ENRIGHT
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

94 CVH01 -437

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

Plaintiff,

v.

INLAND PRODUCTS, INC.,

Defendant.

CASE NO.:

JUDGE:

CONSENT ORDER

Plaintiff, the State of Ohio, by its Attorney General Lee Fisher, at the written request of Donald R. Schregardus, the Director of Environmental Protection, has filed a Complaint seeking injunctive relief and civil penalties from Defendant Inland Products, Inc. ("Inland") for violations of Revised Code Chapter 3704. and the regulations adopted thereunder, and both parties have consented to the entry of this Order.

Therefore, without the trial, admission, or determination of any issue of fact or law, with Defendant Inland denying all allegations of violations contained in the Plaintiff's Complaint, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. DEFINITIONS

1. As used in this Order, the following terms are defined as follows:
 - a. "facility" means Defendant Inland's rendering plant and all related operations located at the intersection of Frank Road and I-71, in Columbus, Ohio.
 - b. "Ohio EPA" means the Ohio Environmental Protection Agency.
 - c. "Director" means the Director of Ohio EPA.
 - d. "CDO" means the Central District Office of the Ohio EPA.
 - d. "air contaminant source" or "source" has the same meaning as set forth in O.R.C. Section 3704.01(C) and O.A.C Rules 3745-31-01(D) and 3745-35-01(B)(1).
 - e. "Permit to Install" or "PTI" has the same meaning as set forth in O.A.C. Chapter 3745-31.
 - f. "Permit to Operate" or "PTO" has the same meaning as set forth in O.A.C. Chapter 3745-35.

II. JURISDICTION AND VENUE

2. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim for which relief can be granted, and venue is proper in this Court.

III. PERSONS BOUND

3. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and, to the extent provided by Rule 65(D) of the Ohio

Rules of Civil Procedure, their officers, agents, servants, employees, attorneys, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Order whether by personal service or otherwise.

4. The Defendant shall provide a copy of this Consent Order to each contractor employed to perform the work itemized herein.

IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

5. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant Inland to the Plaintiff for the claims alleged in the Plaintiff's Complaint.

6. This Consent Order shall not be construed to limit the authority of the Plaintiff to seek relief for claims or conditions not alleged in the Complaint, nor shall this Consent Order bar the State from bringing any action against the Defendant for any violations or conditions which occur after the entry of this Order. Nothing in this Consent Order shall be construed to relieve Defendant of its obligations to comply with applicable federal, state or local statutes, regulations, or ordinances.

V. INJUNCTION

7. Except as authorized under paragraph 13, Inland agrees and is hereby permanently enjoined to fully comply with all applicable statutes and regulations regarding all air contaminant sources at the Facility, including but not limited to O.R.C. Chapter 3704 and the regulations promulgated thereunder.

A. Facility Upgrade

8. Defendant agrees and is hereby ordered to upgrade its facility in the following manner:

- a) Inland shall construct a new 6200 square foot raw materials building for the receipt of raw materials at the facility;
- b) Inland shall install a new 75,000 cfm Stord-Bartz packed bed odor scrubber at its facility; and
- c) With respect to the incineration system at its facility, Inland shall enlarge the duct work on its centrifuge and pressors from 6" to 8" and shall install a new venturi scrubber.

B. Permits To Install

9. The parties agree that Defendant has submitted an approvable PTI application for its new raw materials handling building and its expanded and upgraded rendering operation, which includes a new press, a new drainer, a new cooker, and three new centrifuges. Inland agrees and is hereby ordered to install these air contaminant sources in accordance with the PTI issued for these sources by the Director. Further, Inland agrees and is hereby ordered to comply with the terms and conditions of the PTI issued by the Director for these air contaminant sources. Pursuant to O.R.C. Chapter 3704.03(F), the PTI shall include the authorization to operate the installed sources for a period of one year from commencement of operation, provided that the sources are installed and operated in accordance with the terms and conditions of the PTI.

10. Defendant agrees to refrain and is hereby permanently enjoined from "installing" or "modifying", within the meaning of O.A.C. Rules 3745-31-01(I) and (J), any air contaminant source without obtaining a PTI from the Director prior to commencement of such installation or modification; provided, however, that such injunction does not apply to air contaminant sources which are exempt from OAC Rule 3745-31-02(A) pursuant to ORC Section 3704.011 or OAC Rule 3745-31-03. Further, Defendant agrees and is hereby ordered to comply with any PTIs for air contaminant sources issued to it by the Director, including any and all terms and conditions associated with or included in those PTIs.

C. Permits To Operate

11. Defendant agrees and is hereby ordered to submit to Ohio EPA approvable PTO applications for its roadways and parking areas, the new raw materials handling building, the new press, the new drainer, the new cooker, and the three new centrifuges no later than ninety days after entry of this Order. If Ohio EPA advises Defendant that its PTO applications for these sources as originally submitted are not complete and approvable, Defendant shall supplement the applications to the satisfaction of Ohio EPA so as to make the applications complete and approvable. Any such supplemented PTO applications shall be provided by Defendant to Ohio EPA no later than 30 days after Defendant's receipt of Ohio EPA's notification that the original application is not complete or approvable.

12. Except for:

(1) Inland's roadways and parking lots pending OEPA's action on

the PTO application for such sources submitted pursuant to paragraph 11; and

(2) those sources for which Inland obtains a PTI and which may, pursuant to O.R.C. Section 3704.03(F), be operated for a period of one year,

Defendant agrees to refrain and is permanently enjoined from operating any air contaminant source at the Facility without first obtaining a PTO for such source from Ohio EPA prior to such operation. Further, Defendant agrees and is hereby ordered to comply with any PTOs for air contaminant sources issued to it by Ohio EPA, including any and all terms and conditions associated with or included in those PTOs; provided, however, that this injunction shall not apply to any terms and conditions of permits stayed by the Ohio Environmental Board of Review pursuant to ORC Section 3745.04.

C. Boiler Permits

13. Defendant Inland agrees and is hereby enjoined to submit approvable PTI and PTO applications for source No. B003, the 83.7 MMBTU Johnston Boiler, which the parties agree was installed prior to 1980, by no later than 30 days after entry of this Consent Order. In the event Ohio EPA issues a PTO for such source, and unless otherwise permitted by Ohio EPA, Defendant agrees to restrict any operation of the Johnston Boiler to the burning of fuel oil with a sulfur content of no more than 1.0% by weight. Unless and until Inland applies for and Ohio EPA issues PTO terms and conditions for the Boiler that restricts Inland to burning fuel

oil with a sulfur content of less than 1.0% by weight, Inland agrees and is enjoined to ensure that the top of the Boiler stack shall be seventy-five feet above ground level and that there shall be no rain cap or other obstructions in the Boiler stack, and the PTI and PTO applications for the Boiler shall so reflect. Such stack shall be so constructed no later than June 1, 1994. If Ohio EPA advises Defendant that its PTI and/or PTO applications for this source as originally submitted are not complete and approvable, Defendant shall supplement the application(s) to the satisfaction of Ohio EPA so as to make the application(s) complete and approvable. Any such supplemented PTI and/or PTO application shall be provided by Defendant to Ohio EPA no later than 30 days after Defendant's receipt of Ohio EPA's notification that the original PTI and/or PTO application is not complete or approvable. Provided that Defendant is in compliance with all provisions of this Consent Order, Defendant will not be prohibited from operating the Johnston Boiler pending Ohio EPA's actions on the PTI and PTO applications.

D. Malfunctions

14. Defendant Inland agrees and is hereby enjoined to report malfunctions of its sources and air pollution control equipment in accordance with O.A.C. Rule 3745-15-06.

VI. SUBMITTAL OF DOCUMENTS

15. Documents, including permit applications, which must be submitted under this Order shall be submitted as follows:

- a. documents submitted to the Ohio EPA shall be sent to:

Ohio Environmental Protection Agency
Attention: James Orlemann
Central Office, Division of Air Pollution Control
P.O. Box 1049 1800 WaterMark Drive
Columbus, Ohio 43266-0149

and to:

Ohio Environmental Protection Agency
Attention: Dave Burroughs
Division of Air Pollution Control
Central District Office
P.O. Box 2198
Columbus, Ohio 43266-2198

VII. CIVIL PENALTY

16. Pursuant to O.R.C. §3704.06(C), Defendant shall pay Twenty-Five Thousand Dollars (\$25,000.00) to the State of Ohio. Payment shall be made by delivering a cashier's or certified check or money order, payable to the State of Ohio for the above-stated amount to: Administrative Assistant, Office of the Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0140, within thirty (30) days of the entry of this Order.

VIII. POTENTIAL FORCE MAJEURE

17. In any action to enforce any of the provisions of this Consent Order, the Defendant may raise, at that time, the question of whether it is entitled to a defense that its conduct was caused by reasons beyond its control such as, by way of example and not limitation, acts of God, unusually severe weather disturbances, or orders of any regulatory agency. While Plaintiff does not agree that such a defense exists, it is, however, hereby agreed upon by the parties that it is premature at this

time to raise the existence of such a defense and that the appropriate point at which to determine the existence of such a defense is at the time such a defense is raised in the context of litigation relating to a violation of this Consent Order.

IX. RETENTION OF JURISDICTION

18. The Court will retain jurisdiction of this action for purposes of overseeing and enforcing the implementation of this Consent Order. Further, the parties reserve any and all rights they may have under Rule 60 of the Ohio Rules of Civil Procedure.

X. COURT COSTS

19. Defendant Inland shall pay any court costs.

IT IS SO ORDERED



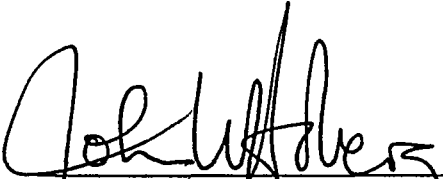
JUDGE, Court of Common Pleas,
Franklin County

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DATE

APPROVED:

INLAND PRODUCTS, INC.



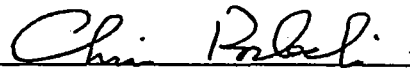
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