

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

FILED
91 MAY 29 PM 3:53
THOMAS
CLERK OF COURTS

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

CASE NO. 89CV-08-5721
JUDGE C. HOWARD JOHNSON

Plaintiff,

vs.

INORGANIC RECYCLING OF OHIO,
INC., *et al.*,

Defendants.

CONSENT ORDER

The Plaintiff, State of Ohio, *ex rel.* Lee Fisher, Attorney General of Ohio ("Plaintiff"), having filed an Amended Complaint in this action against Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko to enforce the State of Ohio's hazardous waste laws and the rules promulgated thereunder concerning the Defendants' alleged hazardous waste handling practices at and around the Inorganic Recycling of Ohio, Inc. facility located at 7469C Worthington-Galena Road, Worthington, Ohio 43085, and Plaintiff and Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko having consented to entry of this Consent Order;

THEREFORE, without trial or admission of any issue of law or of fact, and upon the consent of the Plaintiff and Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko 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 Plaintiff and Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, Alan Sarko, their officers, employees, assigns, successors in interest, predecessors in interest, and any person acting in concert or privity with any of them.

II. SATISFACTION OF LAWSUIT

Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko for all claims against said Defendants alleged in the Amended Complaint. 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 Amended Complaint, including violations or conditions which occur after the filing of the Amended Complaint. Similarly, nothing in this Consent Order shall be construed as an admission of liability, fault or wrongdoing by any Defendant. The parties have agreed to this Consent Order in order to avoid the expense, risk and uncertainty of litigation in this case.

III. JURISDICTION AND VENUE

The Court has both personal and subject matter jurisdiction over Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko. The Amended Complaint states a claim upon which relief can be granted against Defendants

Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko under Chapter 3734. of the Ohio Revised Code ("ORC") and the rules promulgated thereunder. Venue is proper in this Court.

IV. PERMANENT INJUNCTION

Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko are hereby permanently enjoined and ordered to comply with ORC Chapter 3734. and the rules promulgated thereunder.

Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko are also permanently enjoined and ordered to refrain from storing, transporting, or causing to be transported, any hazardous waste at or to any premises other than one of the facilities specifically designated in ORC Section 3734.02(F). Furthermore, Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko are permanently enjoined and ordered to refrain from falsifying any information required to be kept by ORC Chapter 3734. or the rules adopted thereunder.

V. CIVIL PENALTY

It is hereby ordered that Defendants Inorganic Recycling of Ohio, Inc. and Alan Sarko shall pay a civil penalty of fifteen thousand dollars (\$15,000.00). 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 or his successor, at his office at the

Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410. This penalty shall be paid into the hazardous waste clean-up fund created by ORC Section 3734.28 and shall be paid according to the following schedule:

<u>PAYMENT</u>	<u>PAYMENT DATE</u>
\$5,000.00	Within ninety (90) days from filing of Consent Order.
\$5,000.00	Within one (1) year from filing of Consent Order.
\$5,000.00	Within two (2) years from filing of Consent Order.

VI. RETENTION OF JURISDICTION

The Court will retain jurisdiction of this action for the purpose of overseeing that Defendants Inorganic Recycling of Ohio, Inc., Harold Greenberg, and Alan Sarko carry out the terms and conditions of this Consent Order and comply with ORC Chapter 3734. and the rules adopted thereunder.

VII. COURT COSTS


Defendants Inorganic Recycling of Ohio, Inc. and Alan Sarko shall pay the court costs of this action.

VIII. TERMINATION CLAUSE

No earlier than two (2) years from the date of the Court's approval of this Consent Order, Defendants may move the Court, pursuant to Rule 60(B) of the Ohio Rules of Civil Procedure, to terminate the permanent injunction provisions of Section IV of this Consent Order if the Defendants can demonstrate that they

have been in total compliance with the obligations of this Consent Order for such a two (2) year period. The Plaintiff takes no position as to such motion and reserves any rights it may have to oppose the motion including the basis that two (2) years is, in actuality, not an appropriate time period.

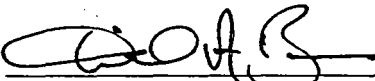
ENTERED THIS _____ DAY OF _____, 1991.



JUDGE C. HOWARD JOHNSON
Franklin County Court of Common Pleas


APPROVED:

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




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Columbus, Ohio 43215

Counsel for Defendants

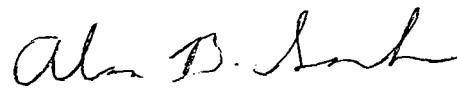


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HAROLD GREENBERG
Individually and as Director
of Inorganic Recycling of
Ohio, Inc.



ALAN SARKO

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