

ENTERED  
SEP 23 1998  
IMAGE

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

STATE OF OHIO EX REL.  
BETTY D. MONTGOMERY,  
ATTORNEY GENERAL OF OHIO,

CASE NO. A9805368

JUDGE \_\_\_\_\_

PLAINTIFF,

v.

INSUL-CRAFT, INC.,

CONSENT ORDER

DEFENDANT.

Plaintiff, State of Ohio, by its Attorney General, Betty D. Montgomery ("Plaintiff"), having filed the Complaint against Defendant Insul-Craft, Inc., (hereinafter "Defendant") to enforce Ohio's air pollution control laws set forth in R.C. Chapter 3704 and the rules adopted thereunder, and the Plaintiff and Defendant (hereinafter referred to collectively as "parties") having consented to the entry of this Consent Order.

NOW 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. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this action, pursuant to R.C. Chapter 3704 and the regulations adopted thereunder. The Complaint states a claim upon which relief can be granted against Defendant under R.C. Chapter 3704 and venue is proper in this Court.

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**II. PERSONS BOUND**

2. The provisions of this Consent Order shall apply to and be binding upon Defendant to this action, their agents, representatives, officers, directors, employees, subsidiaries or divisions, assigns and successors in interest.

**III. SATISFACTION OF LAWSUIT**

3. Plaintiff alleges in its Complaint that Defendant engaged in a renovation project in violation of R.C. Chapter 3704 and the regulations adopted thereunder. Defendant's compliance with the terms of this Consent Order shall constitute full satisfaction of any administrative liability by Defendant for the violations alleged in the Complaint.

4. Nothing in this Consent Order shall be construed to limit the authority of the Plaintiff to seek relief for claims or conditions not alleged in the Complaint or for violations of R.C. Chapter 3704 and the regulations adopted thereunder which occur after the filing of the Complaint. Further, nothing in this Consent Order shall be construed to release Defendant of its obligations to comply with applicable federal, state or local laws, regulations or ordinances.

**IV. PERMANENT INJUNCTION**

Defendant agrees to and is permanently enjoined to:

- a) submit timely and complete notifications of intent to engage in demolition and renovation operations to the proper authority, as required by Ohio Admin. Code Rules 3745-20-02 and -03(A);

- b) properly handle and adequately wet friable asbestos materials and facility components covered with, coated by or containing such materials, while being removed, cut, disjoined, stripped, stored or otherwise taken out of a facility, as required by Ohio Admin. Code Rules 3745-20-04(A)(1), (A)(2), (A)(3), (A)(4) and (A)(5) and 3745-020-05(B)(1).

#### **V. CIVIL PENALTY**

5. In settlement of the alleged violations of R.C. Chapter 3704 and the regulations adopted thereunder, Defendant is enjoined and ordered to pay to the State of Ohio a civil penalty in the amount of Eight Thousand Five Hundred Dollars (\$8,500.00). The civil penalty shall be paid by the Defendant by delivering to Plaintiff, c/o Jena Suhadolnik, Administrative Assistant, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215-3428, a certified check in that amount, payable to the order of "Treasurer, State of Ohio," within thirty (30) days of the filing of this Consent Order.

#### **VI. COMPLIANCE WITH APPLICABLE LAWS, PERMITS AND APPROVALS**

6. All activities under taken by the Defendant pursuant to this Consent Order shall be undertaken in accordance with the requirements of all applicable federal and state and local laws, rules and regulations, licenses and permits. Defendant is ordered and enjoined to obtain all licenses, permits or approvals necessary under applicable federal, state or local laws and shall submit timely applications and requests for any such licenses, permits and approvals. Where such laws appear to conflict with the other requirements of this Consent Order, Defendant is ordered and enjoined to immediately notify the Ohio EPA of the potential conflict.

## **VII. TERMINATION**

7. In the event that Defendant complies with the requirements and injunctions set forth in this Consent Order for a period of one year from the date of the entry of this Consent Order, this Consent Order may be terminated by motion of the Defendant and a subsequent order of this Court. Termination shall be made upon demonstration (or agreement by both parties) that the requirements of this Consent Order have been satisfied. The Plaintiff reserves its right to oppose any motion by Defendant to terminate this Consent Order.

## **VIII . RETENTION OF JURISDICTION**

8. This Court will retain jurisdiction of this action for the purpose of enforcing compliance with this Consent Order.

## **IX. COSTS**

9. The Defendant is hereby ordered to pay all court costs of this action.

## **X. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK**


10. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, 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.

**XI. AUTHORITY TO ENTER INTO THE CONSENT ORDER**

11. Each signatory hereto represents and warrants that he/she has been duly authorized to sign this document and so bind the party for which the signatory is signing to all terms and conditions thereof.


**IT IS SO ORDERED**

DATE 9/23/98

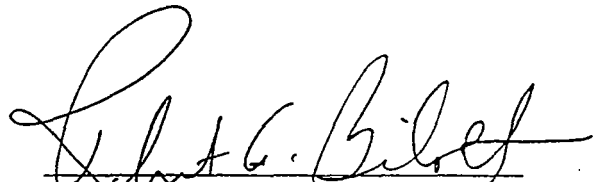
  
JUDGE  
Hamilton County Court of Common Pleas

**APPROVED:**

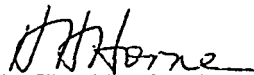
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DEFENDANT INSUL-CRAFT, INC.  
By: H. H. Horne  
Vice President