

IN THE COURT OF COMMON PLEAS  
PICKAWAY COUNTY, OHIO

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

Plaintiff,

v.

LDM TECHNOLOGIES, INC.  
f.k.a. LDM INDUSTRIES, INC.  
successor by merger to  
Arrow N. A., Inc.

Defendant.

CASE NO. 97 CI 273

JUDGE KNECE

CONSENT ORDER

DEPARTMENT OF PUBLIC SAFETY  
 CLERK OF COURTS  
 PICKAWAY COUNTY

98 APR -6 AM 9:24

FILED--COMM. PLEAS

Plaintiff, the State of Ohio, by its Attorney General Betty D. Montgomery, 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 LDM Technologies, Inc. ("LDM") for violations of Revised Code ("R.C.") Chapter 3704 and the rules promulgated thereunder, and both parties have consented to the entry of this Order.

Therefore, without trial, admission, or determination of any issue of fact or law, 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 LDM's plastic molding and painting facility and all related operations located at 600 South Clinton Street, Circleville, Pickaway County, Ohio.
  - b. "Ohio EPA" means the Ohio Environmental Protection Agency.

- c. "Director" means the Director of Environmental Protection.
- d. "Air contaminant source" or "source" has the same meaning as set forth in R.C. 3704.01(C) and Ohio Administrative Code ("O.A.C.") 3745-31-01(D) and 3745-35-01(B)(1).
- e. "Permit to Operate" or "PTO" has the same meaning as set forth in O.A.C. Chapter 3745-35.
- f. "Permit to Install" or "PTI" has the same meaning as set forth in O.A.C. Chapter 3745-31.

## **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, in accordance with 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 Consent Order whether by personal service or otherwise.

## **IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS**

4. The Plaintiff alleges in its Complaint that the Defendant has owned and operated the Facility in such a manner as to result in numerous violations of the air pollution control laws and regulations of the State of Ohio. Defendant denies the allegations contained in the complaint. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of the Defendant to the Plaintiff for the claims alleged in the Plaintiff's

Complaint.

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

**V. PERMANENT INJUNCTION**

6. The Defendant is hereby enjoined and ordered to immediately and permanently comply with R.C. Chapter 3704 and the regulations adopted thereunder, including all terms and conditions of the Defendant's currently effective Permits to Install and Permits to Operate, and any subsequent renewals or modifications thereafter. Specifically, the Defendant agrees to refrain and is hereby permanently enjoined from "installing" or "modifying" any air contaminant source, as those terms are defined by O.A.C. 3745-31-01(I) and (J), at the Facility without first applying for and obtaining a Permit To Install from the Director in accordance with O.A.C. 3745-31-02. In addition, the Defendant agrees to refrain and is hereby permanently enjoined from operating any air contaminant source without first applying for and receiving a Permit To Operate from the Director in accordance with O.A.C. 3745-35-02. Further, the Defendant agrees and is hereby permanently and immediately enjoined and ordered to comply with all terms and conditions of all Permits To Install and Permits To Operate which are issued to the Defendant by the Director, including but not limited to all reporting requirements and all emissions limitations.

## **VI. CIVIL PENALTY**

7. Pursuant to R.C. 3704.06(C), the Defendant shall pay One Hundred Seventy Thousand Dollars (\$170,000.00) to the State of Ohio. Payment shall be made by delivering a certified check payable to the order of "Treasurer, State of Ohio" for the above-stated amount to: Jena Suhadolnik, Administrative Assistant, Office of the Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, within thirty (30) days of the entry of this Consent Order.

## **VII. STIPULATED PENALTIES**

8. Except as otherwise provided in paragraph 9, in the event that the Defendant fails to comply with any of the requirements imposed by paragraphs 6 and/or 7 of this Consent Order, the Defendant shall, immediately and automatically, be liable for and shall pay a stipulated penalty according to the following payment schedule. For each day of failure to meet a requirement, up to thirty (30) days -- Two Thousand Five Hundred Dollars (\$2,500.00) per day for each requirement not met. For each day of failure to meet a requirement, from thirty-one (31) to sixty (60) days -- Five Thousand Dollars (\$5,000.00) per day for each requirement not met. For each day of failure to meet a requirement, from sixty-one (61) to ninety (90) days -- Seven Thousand Five Hundred Dollars (\$7,500.00) per day for each requirement not met. For each day of failure to meet a requirement, over ninety (90) days -- Ten Thousand Dollars (\$10,000.00) per day for each requirement not met.

9. In the event that the Defendant violates the permanent injunction set forth in paragraph 6 of this Consent Order relating to the installation, modification and/or operation of air contaminant sources without the necessary permits, the Defendant shall be liable for and shall

immediately pay stipulated penalties in accordance with the following schedule:

- a. for each air contaminant source installed or modified without first obtaining a permit to install, Defendant shall pay a stipulated penalty of Five Thousand Dollars (\$5,000.00) per source per installation/modification;
- b. for each day for which each air contaminant source is operated without first obtaining a permit to operate, Defendant shall pay a stipulated penalty of Two Thousand Dollars (\$2,000.00) per day of operation per source.

10. In the event the Defendant fails to meet any of the requirements of this Consent Order, the Defendant shall immediately and automatically be liable for payment of stipulated penalties imposed by this Consent Order without prior demand by the State of Ohio. Payment of all stipulated penalties shall be paid by the Defendant by their delivering to the Plaintiff, c/o Jena Suhadolnik, Administrative Assistant, or her successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a certified check in that amount, payable to the order of "Treasurer, State of Ohio," immediately upon the occurrence of the violation giving rise to the penalty.

11. The imposition, payment and collection of stipulated penalties pursuant to violations of this Consent Order shall not prevent the State from pursuing additional remedies, civil, criminal or administrative, for violations of applicable laws.

#### **VIII. RETENTION OF JURISDICTION**

12. The Court will retain jurisdiction of this action for purposes of enforcing this Consent Order.

#### **IX. COURT COSTS**

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

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

14. 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**

15. Each signatory for the Defendant 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.

**IT IS SO ORDERED**

4-3-98

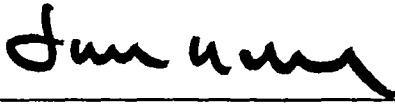
**DATE**

**JUDGE, COURT OF COMMON PLEAS  
PICKAWAY COUNTY**

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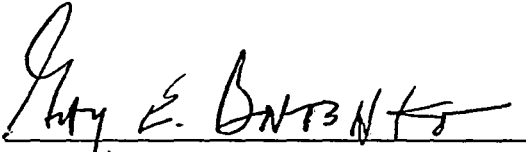
APPROVED:

LDM TECHNOLOGIES, INC.

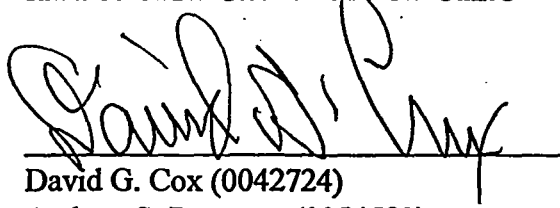


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