

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

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

Plaintiff,

v.

LTV STEEL COMPANY, INC.,

Defendant.

CASE NO. \_\_\_\_\_

JUDGE \_\_\_\_\_

276251

315 THOMAS PATRICK CURRAN

CONSENT ORDER

The Complaint in the above-captioned matter having been filed herein, and Plaintiff State of Ohio, by its Attorney General Lee Fisher and Defendant LTV Steel Company, Inc. ("LTV Steel") having consented to the entry of this Order,

NOW THEREFORE, without trial of any issue of fact or law, or admission by Defendant LTV Steel of any averment or violation alleged in the Complaint by Defendant LTV Steel, and upon 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 case. The Complaint states a claim upon which relief can be granted against Defendant LTV Steel pursuant to Chapter 3704 of the Ohio Revised Code ("O.R.C."). Venue is proper in this Court.

## **II. PARTIES**

2. The provisions of this Consent Order shall apply and be binding upon the parties of this action, their agents, officers, employees, assigns, directors, successors in interest and any person acting in concert or privity with any of them.

## **III. SATISFACTION OF LAWSUIT**

3. Plaintiff alleges in its Complaint that Defendant LTV Steel has committed violations of the requirements of O.R.C. Chapter 3704 and the regulations promulgated thereunder at its coke plants 1 and 2, located at 3100 East 45th Street, Cleveland, Cuyahoga County, Ohio, (hereinafter "the Facility"). Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant LTV Steel for all claims under such laws alleged in the Complaint.

4. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint, including violations which occur after the date of entry of this Consent Order. Such relief may include, but is not limited to, any appropriate administrative, civil and/or criminal enforcement action that seeks injunctive, monetary and other relief against Defendant LTV Steel.

## **IV. PERMANENT INJUNCTION**

5. Defendant LTV Steel has ceased operation of coke ovens identified as B901 through B906. In the event Defendant LTV Steel wishes to restart and operate coke ovens B901 through B906 on a date subsequent to the entry of this Consent

Order, LTV Steel agrees to refrain from and is permanently enjoined from resuming such operation of these coke ovens without applying for and obtaining the necessary permits to operate the coke ovens from Ohio EPA.

#### V. CIVIL PENALTY

6. Pursuant to O.R.C. §3704.06(B), (C) and (D), Defendant LTV Steel shall pay to the State of Ohio a civil penalty of Two Hundred Twenty-five Thousand Dollars (\$225,000.00). Such penalty shall be paid by delivering a certified check in that amount, payable to the order of "Treasurer, State of Ohio", to Matthew Sanders, Administrative Assistant, Office of the Ohio Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428. Payment shall be made by no later than thirty (30) days after entry of this Order.

#### VI. STIPULATED PENALTIES

7. In the event that Defendant LTV Steel fails to meet the requirements of, or deadlines in, this Consent Order, Defendant LTV Steel is liable for and shall immediately pay stipulated penalties in accordance with the following schedules:

- a. For each day of each failure to meet a requirement or a deadline, up to thirty (30) days -- One Thousand Dollars (\$1,000.00) per day.
- b. For each day of each failure to meet a requirement or a deadline, from thirty-one (31) to sixty (60) days -- Three Thousand Dollars (\$3,000.00) per day.
- c. For each day of each failure to meet a requirement or a deadline, over sixty (60) days -- Six Thousand Dollars (\$6,000.00) per day.

Such penalties shall be paid by delivering certified checks totalling those amounts,

payable to the order of "Treasurer, State of Ohio", to Matthew Sanders, Administrative Assistant, Office of the Ohio Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428.

**VII. RETENTION OF JURISDICTION**

8. The Court will retain jurisdiction of this action for the purpose of enforcing this Consent Order. Further, the parties reserve any and all rights they may have under rule 60 of the Ohio Rules of Civil Procedure.

**VIII. ATTORNEY GENERAL'S ENFORCEMENT COSTS**

9. Defendant LTV Steel hereby agrees and is enjoined to pay to the Ohio Attorney General's Office a sum of Eight Thousand Five Hundred Eighty Dollars (\$8,580.00) to reimburse the Attorney General's expenses and time incurred in this matter. Such costs shall be paid by delivering certified checks totalling that amount, payable to the order of "Treasurer, State of Ohio", to Matthew Sanders, Administrative Assistant, Office of the Ohio Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428. Such costs shall be paid no later than thirty (30) days after entry of this Order.

**IX. COSTS**

10. Defendant LTV Steel is hereby ordered to pay the costs of this action.

IT IS SO ORDERED:

ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1994

JUDGE, COURT OF COMMON PLEAS  
CUYAHOGA COUNTY OHIO

APPROVED:

LTV STEEL COMPANY, INC.

LEE FISHER  
ATTORNEY GENERAL OF OHIO

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