

IN THE COURT OF COMMON PLEAS  
SHELBY COUNTY, OHIO

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STATE OF OHIO, ex rel. :  
WILLIAM J. BROWN, : Case No. 82-CV-56  
ATTORNEY GENERAL OF OHIO :  
30 E. Broad Street :  
Columbus, Ohio 43215 :  
Plaintiff, : CONSENT JUDGMENT  
vs. :  
THE MONARCH MACHINE TOOL COMPANY :  
615 North Oak Street :  
Sidney, Ohio 45365, :  
Defendant. :

The Complaint having been filed on March 3, 1982, under Sections 3704.05 and 3704.06 of the Ohio Revised Code; and Plaintiff and Defendant having consented, without trial or adjudication of any issue of fact or law, to the entry of this Consent Judgment;

THEREFORE, before the taking of any testimony, upon the pleadings and upon the consent of the parties hereto, it is hereby ordered, adjudged, and decreed as follows:

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 under Sections 3704.05 and 3704.06 of the Ohio Revised Code.
2. The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees and successors; in addition, the provisions of this Consent Judgment shall apply to all persons, firms, corporations, agencies, and other entities having notice of this Consent Judgment and who are, or will be, acting in concert and privity with any party to this action or its officers, directors, agents, servants, employees, successors and assigns.

3. Defendant shall replace its existing coal-fired boiler (identified in paragraph 4 of the Complaint initiating this action) with a combination gas and No. 2 oil fired steam generator by April 30, 1983, in accordance with the following milestones:

- a. Defendant shall have completed drawings to be used for bidding and constructing the steam generator by February 28, 1982;
- b. Defendant shall have released the construction of the steam generator for bids by February 28, 1982;
- c. Defendant shall have awarded all contracts necessary for construction of the steam generator by March 31, 1982;
- d. Defendant shall have begun construction of the steam generator by May 31, 1982; and
- e. Defendant shall have completed construction of the steam generator by April 30, 1983.

Defendant is enjoined from operating the existing coal-fired boiler after April 30, 1983.

4. Within ten (10) working days after each milestone date specified in paragraph 3 above, Defendant shall submit to the southwest district office of the Ohio Environmental Protection Agency a report stating whether or not the action required by that milestone has been completed.

5. Whenever Defendant operates its existing boiler, Defendant is enjoined to operate the boiler in a manner that minimizes emissions.

6. Defendant shall not burn coal in its existing boiler that contains a sulfur content in excess of 0.80% of the total weight of the coal.

7. Defendant shall not burn in its existing boiler coal that has a ratio of percentage of ash content to heat content (expressed in Btu's per pound) in excess of  $5 \times 10^{-4}$ .

8. Defendant shall submit a coal analysis to the southwest district office of the Ohio Environmental Protection Agency in January of 1983. This analysis must report the ash, sulphur, and heat content (expressed in Btu's per pound) of the coal being burned in the boiler during the heating season of November of 1982 to March of 1983.

9. Defendant is enjoined from violating OAC 3745-17-07 at its facility located at 615 North Oak Street in Sidney, Ohio (identified in paragraph 3 of the Complaint initiating this action).

10. Not later than ninety (90) days before start-up of the steam generator, Defendant shall submit to the southwest district office of the Ohio Environmental Protection Agency an application for a permit to operate the steam generator which complies with the requirements of OAC 3745-35-02.

11. The Court retains jurisdiction of this case for the purpose of making any order or decree which it may at any time deem necessary to carry out this Consent Judgment.

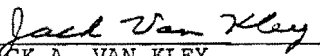
12. Defendant shall pay court costs.

  
Judge, Court of Common Pleas

APPROVED:

WILLIAM J. BROWN  
ATTORNEY GENERAL OF OHIO

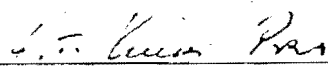
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Authorized Representative