

IN THE COURT OF COMMON PLEAS  
WYANDOT COUNTY, OHIO

STATE OF OHIO, ex rel.  
ANTHONY J. CELEBREZZE, JR.

Plaintiff,

vs.

NATIONAL LIME AND STONE  
COMPANY

Defendant.

\* CASE NO. 87-CV-23

\* JUDGE HUNTER

\* CONSENT JUDGMENT

\*

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CLERKS OFFICE  
WYANDOT CO., OHIO  
FILED  
MAR 27 11 09 AM '89  
ANN K. DUNBAR  
CLERK

The Complaint having been filed herein on February 26, 1987, and the parties hereto having consented to the entry of this Consent Judgment, now therefore, without trial of any issue of fact or law and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED, AND DECREED that:

I.

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Complaint states a claim upon which relief can be granted against Defendant. Venue is proper in this Court.

II.

The provisions of this Consent Decree shall apply to and be binding upon the Defendant to this action, its officers, agents, servants, employees, and successors.

III.

1. Defendant shall pay a civil penalty pursuant to R. C. 3704.06(C) in the amount of Two Hundred Thousand Dollars (\$200,000.00), of which Fifty Thousand Dollars (\$50,000.00) of the civil penalty is SUSPENDED upon condition

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that Defendant completes the environmentally beneficial project to the satisfaction of the Director of Ohio EPA within the manner and time frames set forth for such project described in paragraph IV below.

2. Defendant shall pay the portion of the civil penalty that is not suspended (i.e. \$150,000), by delivering to Plaintiff's counsel within thirty days after entry of this Consent Judgment a check drawn to the order of "Treasurer, State of Ohio" for payment into the General Revenue Fund.

3. Should Defendant fail to complete the environmentally beneficial project as set forth in paragraph IV below within the time frames set forth therein as determined by the Director of Ohio EPA, Defendant shall be liable for and pay the suspended portion of the penalty (i.e., \$50,000) by delivering to Plaintiff's counsel within thirty (30) days after receipt of written notification by the Director of Ohio EPA that Defendant has failed to comply with paragraph IV of this decree, a check drawn to the order of "Treasurer, State of Ohio" for payment into the General Revenue Fund.

4. In the event that Defendant is required to pay the \$50,000 suspended portion of the civil penalty pursuant to paragraph III, Defendant shall pay statutory interest on the \$50,000 portion of the penalty at a rate of ten percent (10%) annually for the period beginning from the date of payment of the \$150,000 portion of the penalty as set forth in paragraph III until payment of the \$50,000 penalty.

#### IV.

In lieu of paying \$50,000 of the total civil penalty of \$200,000, Defendant may complete the following environmentally beneficial project. Defendant shall pave portions of roads located at its Carey Plant in the following manner and time frames.

1. Defendant shall pave the unpaved road segments marked as "Priority 1" on the facility map attached to this decree as Exhibit A.

2. Should expenditures in completing the paving of the Priority 1 road segments not exceed \$50,000, Defendant shall commence paving the unpaved road segments marked as "Priority 2", as depicted on the facility map, beginning with that portion of the unpaved road segments abutting County Road 99, and may cease paving these road segments at the point where Defendant has expended at least \$50,000 in paving costs incurred pursuant to this paragraph.

3. In the event that expenditures incurred by Defendant in completing the Priority 1 and 2 road segments not exceed \$50,000, Defendant shall commence paving the unpaved road segments marked "Priority 3", as depicted on the facility map, beginning with that portion of the unpaved road segments abutting County Road 99, and may cease paving these road segments at the point where Defendant has expended at least \$50,000 in paving costs incurred pursuant to this paragraph.

4. Defendant shall commence work on this project beginning on April 15, 1989, or as soon as weather permits, and shall complete all paving work totalling the amount of \$50,000 no later than July 1, 1989.

5. Within five days after payment of any expenses for the road paving work, Defendant shall submit evidence of payment of the work performed in this environmentally beneficial project to James Orlemann, Division of Air Pollution Control, Ohio EPA, P. O. Box 1049, 1800 WaterMark Drive, Columbus, Ohio 43266-0149.

V.

Compliance with the terms of this Consent Judgment shall constitute full satisfaction of any civil liability of Defendant for the claims alleged in the complaint. Plaintiff reserves its right to take any enforcement action

pursuant to any available legal authority, including the right to seek injunctive relief and monetary penalties, for violations of R. C. Chapter 3704 addressed in this Complaint or Consent Decree occurring after the entry of this decree.

VI.

The Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary you carry out this judgment.

VII.

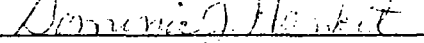
Defendant shall pay court costs.

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DATE

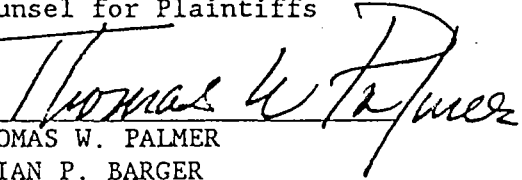
APPROVED:

  
\_\_\_\_\_  
JUDGE

ANTHONY J. CELIBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

BY   
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Counsel for Plaintiffs

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Counsel for Defendant

NATIONAL LIME & STONE CO.  
CAREY PLANT

BUILDINGS

- |                      |                    |
|----------------------|--------------------|
| A - LIME PLANT       | K - GARAGE         |
| B - CALCIMATICS      | L - C-1 STONE MILL |
| C - WAREHOUSE        | M - DOBB-O'NEVER   |
| D - STOREROOM        | N - D.R.P.         |
| F - SHOP             | O - C-3 STONE MILL |
| F - ELECTRICIAN SHOP | P - C-3 OFFICE     |
| G - ENGINEERING      |                    |
| H - OFFICE & LAB     |                    |
| I - OHIO ENGINEERS   |                    |
| J - STOCKROOM        |                    |

PARKING  
LOTS

- 1 - LIME PLANT
- 2 - C-1
- 3 - C-3

ROAD TYPE & USAGE

- PAVED HEAVY
- IMPROVED HEAVY
- UNPAVED MODERATE
- UNIMPROVED LIGHT

