

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO,
30 East Broad Street
Columbus, Ohio 43215,

Plaintiff,

v.

NAVARRE FURNITURE, INC.
10035 Johnsford Road, SW
Beach City, Ohio 44608-9765,

and

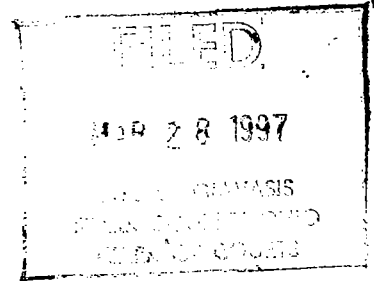
ROBERT STEELE
10041 Johnsford Road, SW
Beach City, Ohio 44608-9765,

Defendants.

Case No. 1997 CV 01242

Judge

Gurn



CONSENT ORDER

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff, State of Ohio, by its Attorney General Betty D. Montgomery, and the Defendants, Navarre Furniture, Inc. and Robert Steele, having consented to the entry of this Order, without trial or adjudication of any issue of law or fact, and without any admission of fact or liability;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

I. DEFINITIONS

1. Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in Revised Code Chapter 3734. and the regulations adopted

thereunder. In addition, the following terms are defined as follows:

- a. "Director" means the Director of the Ohio Environmental Protection Agency;
- b. "Ohio EPA" means the Ohio Environmental Protection Agency, its employees, and agents;
- c. "R.C." means the Ohio Revised Code;
- d. "OAC" means the Ohio Administrative Code.

II. JURISDICTION

2. The Court has jurisdiction over the subject matter of this action pursuant to R.C. Chapter 3734. and the rules adopted thereunder. This Court has jurisdiction over the parties. The Complaint states a claim upon which relief can be granted against Defendants. Venue is proper in this Court.

III. PARTIES

3. The provisions of this Consent Order shall apply and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting 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

4. Plaintiff alleges in its Complaint that Defendants have violated provisions of the solid and hazardous waste laws of Ohio, as set forth in R.C. Chapter 3734. and the regulations adopted thereunder. Except as provided by law, and in paragraph 5 below, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendants for all claims alleged in the Plaintiff's Complaint.

V. RESERVATIONS OF RIGHTS

5. Nothing in this Consent Order, including the imposition of stipulated or civil penalties, shall limit the authority of the State to Ohio to:

- a. Seek relief for claims or conditions not alleged in the Complaint;
- b. Seek relief for claims or conditions alleged in the Complaint which occur after the entry of this Consent Order;
- c. Enforce this Consent Order through a contempt action or otherwise for violations;
- d. Bring any action against Defendants or against any other person under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. §9601, et seq., R.C. §§ 3734.20 through 3734.27, or R.C. Chapter 6111 to: (1) recover natural resource damages, or (2) to order the performance of, or recovery costs for any removal, remedial or corrective activities not conducted pursuant to the terms of this Consent Order, or both.

VI. EFFECT UPON OTHER ACTIONS

6. This Consent Order is not a permit issued pursuant to any federal, state, or local law or rule. Nothing in this Consent Order shall be construed to relieve Defendants of the obligations to comply with all applicable federal, state or local laws, rules, regulations and permits. If any law, rule, regulation, or permit appears to be in conflict with this Consent Order, Defendants are ordered and enjoined to immediately notify the Ohio EPA of the potential conflict.

VII. INJUNCTION

7. Defendants are ordered and enjoined to refrain from disposing of any solid wastes, except to facilities licensed or permitted in accordance with R.C. Section 3734.05, and from open burning or open dumping in violation of R.C. Section 3734.03 and OAC Section 3745-27-05(C).

- a. Within thirty (30) days after the entry of this Consent Order, Defendants are ordered and enjoined to remove all drums, barrels, containers, or other solid wastes at 10035 Johnsford Road, S.W., Beach City, Stark County, Ohio that were found buried in the ground on October 13 and 14, 1992, and that have not already been properly disposed of, and dispose of them in a licensed solid waste disposal facility. Documentation of proper disposal shall be submitted to Ohio EPA within ten (10) days from disposal of the solid waste materials.

8. Defendants are ordered and enjoined to refrain from disposing of any hazardous wastes, except to facilities described in R.C. Sections 3734.02(F)(1)-(5).

VIII. CIVIL PENALTY

9. The Defendants shall pay to the State of Ohio a civil penalty of \$12,000.

IX. PAYMENT OF OHIO EPA COSTS

10. The Defendants shall pay \$14,032.14 for costs incurred by the Special Investigations Section of Ohio EPA in investigating this case.

X. PAYMENT SCHEDULE

11. The Defendants shall pay the civil penalty and EPA costs in five (5) installments according to the following schedule:

<u>Payment No.</u>	<u>Amount</u>	<u>Completion Date</u>
1	\$5,000	30 days after entry of Consent Decree;
2	\$5,000	180 days after payment no. 1 is made;
3	\$5,000	180 days after payment no. 2 is made;
4	\$5,000	180 days after payment no. 3 is made;
5	\$6,032.14	180 days after payment no. 4 is made.

XI. STIPULATED PENALTIES

12. If the Defendant fails to pay the civil penalty and Ohio EPA costs in accordance with paragraph 11, the Defendant shall be liable for all reasonable and necessary expenses incurred by the State in collecting monies owed under paragraph 11 plus interest on any money then in arrears. The interest rate shall be ten (10) percent per annum.

13. Any payment required to be made under the provisions of Paragraphs 9, 10, 11, and 12 of this Consent Order shall be made by delivering a certified check or checks for the appropriate amounts, made payable to "Treasurer, State of Ohio" in the manner provide for in Paragraph 17. Any payment required to be made under Paragraph 12 shall be made within ten (10) days from the date of the failure to meet the requirement of the Consent Order

XII. COSTS

14. Defendants are ordered to pay the court costs of this action.

XIII. RETENTION OF JURISDICTION

15. This Court shall retain jurisdiction of this action for the purpose of overseeing compliance with this Consent Order and resolving disputes arising under this Consent Order.

XIV. MISCELLANEOUS

16. This Order shall be effective upon the date of entry by the Court.

17. All certified checks submitted pursuant to this Order shall be submitted to:

Matthew Sanders
Administrative Assistant
Environmental Enforcement Section

30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3428

18. All documents dealing with hazardous waste shall be submitted to:

Unit Supervisor
Compliance Monitoring and Enforcement Unit
Division of Hazardous Waste Management
Ohio Environmental Protection Agency
1800 Watermark Drive
Columbus, Ohio 43266

and

Unit Supervisor
Division of Hazardous Waste Management
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087-1969

19. All documents dealing with solid waste shall be submitted to:

Unit Supervisor
Compliance Monitoring Unit
Division of Solid and Infectious Waste Management
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

and

Unit Supervisor
Division of Solid and Infectious Waste Management
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087-1969

XV. TERMINATION CLAUSE

20. This Consent Order shall terminate upon occurrence of both of the following:

- a. payment by Defendant of all sums required by paragraphs 11 and 12 of this Consent Order; and
- b. compliance by Defendants for a period of three years with paragraphs 7 and 8 of this Consent Order.

XVI. AUTHORITY TO ENTER INTO THE CONSENT ORDER

21. The signatory for Defendants represents and warrants that he or she has been duly authorized to sign this document and so bind Defendants to all terms and conditions thereof.

XVII. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

22. 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.

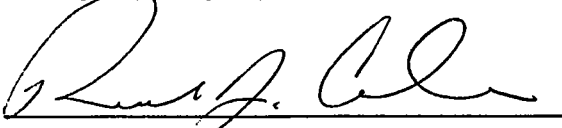
DATED: 3-28- , 1997.

/s/ James Murn
JUDGE
Stark County Court of Common Pleas

A TRUE COPY TESTE:
PHIL G. GIAVASIS, CLERK
By S. Currell Deputy
Date 4-1-97

Approved:


**BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO**



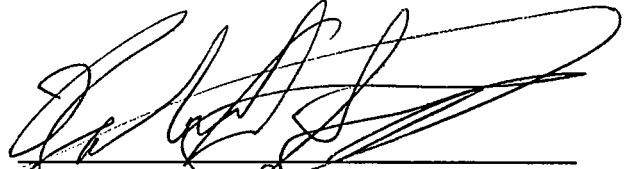
**JOHN K. McMANUS (0037140)
ROBERT J. COCHRAN (0055658)**

Assistant Attorney General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43266-0410
(614) 466-2766

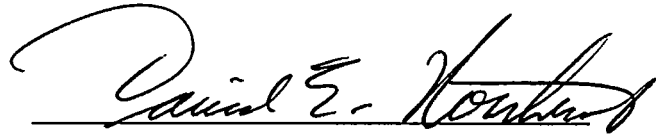
NAVARRE FURNITURE, INC.



**BY ROBERT STEELE
PRESIDENT**



**ROBERT STEELE, FOR
HIMSELF**



**DAVID E. NORTHROP, ESQ.
Samuels and Northrop Co., L.P.A.
180 East Broad Street
Suite 816
Columbus, Ohio 43215**

Attorney for Robert Steele and
Navarre Furniture, Inc.