

- c. "Director" means Ohio's Director of Environmental Protection.
- d. "Ohio EPA" means the Ohio Environmental Protection Agency.
- e. "Plaintiff" means the State of Ohio by and through the Attorney General of Ohio.

II. Jurisdiction and Venue

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. Venue is proper in this Court. The Complaint states a claim upon which relief can be granted.

III. Persons Bound

3. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person in active concert or participation with them who receives actual notice of this Consent Order whether by personal service or otherwise.

IV. Satisfaction of Lawsuit

4. Except as otherwise provided in this Consent Order, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendants to Plaintiff for all claims alleged in the Complaint.

5. Nothing in this Consent Order, including the imposition of stipulated civil penalties, shall limit the authority of the State of 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;

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c. Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order;

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. and/or Ohio Revised Code Sections 3734.20 through 3734.27 to: (1) recover natural resource damages, and/or (2) to order the performance of, and/or recover costs for any removal, remedial or corrective activities not conducted pursuant to the terms of this Consent Order.

e. Take any action authorized by law against any person, including Defendants, to eliminate or mitigate conditions at the Facility which may present an imminent threat to the public health or welfare, or the environment.

V. Injunctive Relief

6. Defendants are ordered and enjoined to comply with all applicable provisions of the Ohio hazardous waste laws and rules as set forth in R.C. Chapter 3734 and Ohio Adm. Code Chapters 3745-50 through 3745-69.

VI. Past Costs

7. Defendants are ordered and enjoined to pay within thirty (30) days a total of Seven Thousand Seventy Dollars and Forty Cents (\$7,070.40) as reimbursement for Response Costs incurred by the State. This amount shall be paid to Ohio EPA by delivering a check in this amount made to the order of "Treasurer of the State of Ohio" and forwarded to Fiscal Officer, Ohio EPA, P.O. Box 1049, 1800 WaterMark Drive, Columbus, Ohio 43266-0149, ATTN: Edith Long, or her successor. Defendants shall send a copy of the transmittal letter and check to the

EDITH LONG
 FISCAL OFFICER
 OHIO EPA
 1800 WATERMARK DRIVE
 COLUMBUS, OHIO 43266-0149
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Fiscal Officer, DERR, Ohio EPA, P.O. Box 1049, 1800 WaterMark Drive, Columbus, Ohio 43266-0149, ATTN: Patricia Campbell or her successor, to Scott Shane, Ohio EPA, P.O. Box 1049, 1800 WaterMark Drive, Columbus, Ohio 43266-0149, and the Assistant Attorney General representing the State in this case.

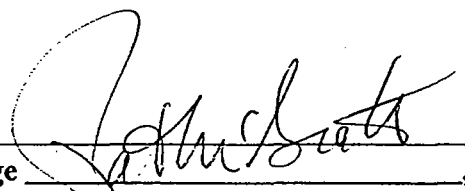
VII. Costs

8. Defendant is hereby ordered to pay the court costs of this action.

VIII. Entry of Consent Order and Judgment by Clerk

9. 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.

So Ordered:

 7/9/97


Judge _____,
Franklin County Court of Common Pleas

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Respectfully submitted,

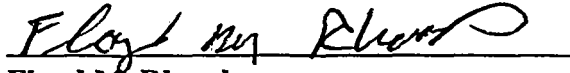
Betty D. Montgomery
Attorney General of Ohio

By:



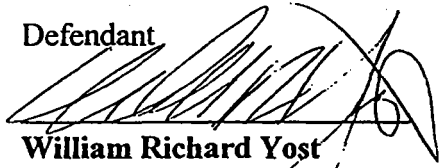
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State of Ohio



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Telephone: (614) 486-3631

Attorney for Defendant

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