

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

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STATE OF OHIO, ex rel.	:	CASE NO. 95CV02711
BETTY D. MONTGOMERY	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE LISOTTO
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
SAND BLASTING SPECIALISTS,	:	
et al.	:	
	:	
Defendants.	:	

CLERK OF COURTS
MAHONING COUNTY, OHIO
SEP 30 1997
FILED
ANTHONY VIVO, CLERK

AGREED JUDGMENT ENTRY

The State of Ohio by its Attorney General, Betty D. Montgomery, filed a Complaint seeking injunctive relief and a civil penalty for Defendant's alleged violations of Ohio Revised Code ("R.C.") Chapter 3704 and the rules adopted thereunder. The parties, with regard to these issues, have reached agreement on terms of permanent injunctive relief which will allow the parties to settle this case.

Therefore, without trial of any issues of law or fact, without admission or denial of any allegation in the Complaint, and upon consent of the parties, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter herein pursuant to R.C. Chapter 3704. This Court has jurisdiction over the parties hereto. The Complaint states a claim upon which relief can be granted. Venue is proper in this Court.

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II. PERSONS BOUND

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

III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Order shall constitute full satisfaction of any civil liability of Defendants Sand Blasting Specialists, Select Body Services, SBS, and John B. Bondi, by whom liability is expressly denied, for the violations of R.C. Chapter 3704 and regulations thereunder alleged in the Complaint.

4. This Order does not limit the authority of the State of Ohio to seek relief for any violations not alleged in the Complaint, including violations not known at this time or future violations of R.C. Chapter 3704 and regulations thereunder occurring after the filing of this Consent Order.

IV. OTHER REQUIREMENTS

5. The parties agree that operation of sandblasting equipment in accordance with paragraphs 6 through 10, *infra*, is "*de minimis*" as that term is used in R.C. 3704.011, and therefore, exempt from the permitting requirements of R.C. 3704. The Defendants hereby agree to cease operating any air contaminant source in Mahoning County which require permits to install or permits to operate from the Ohio Environmental Protection Agency ("Ohio EPA") unless and until such Defendants obtain such permits from Ohio EPA and comply with the terms and conditions of any such permits.

6. For each day during which blasting activities occur, Defendants shall record the manufacturer of the blasting material used, the manufacturer's identification of the

blasting material used, the amount of blasting material used for blasting, when blasting began during the day, and when blasting ended for the day.

7. Defendants shall perform blasting using only silica free materials (e.g., Black Beauty). The use of silica sand shall be prohibited.

8. The amount of blasting materials used by defendants shall not exceed 370 pounds in any one day. If the Defendants have a malfunction which causes exceedance, it shall be handled in accordance with OAC 3745-15-06. Any other exceedances shall be handled pursuant to § V.

9. The total blasting time during one day shall not exceed a total of five (5) hours in any twenty-four (24) hour period.

10. Defendants shall submit semi-annual deviation reports that identify all deviations from the requirements of paragraphs 7, 8 and 9 of this Order. If no deviations have occurred within a semi-annual period, no report is required to be submitted for that period.

11. Upon the written request of the Director, Defendants shall submit the records for the day or days identified within said request within 7 days of receipt of the request.

12. The requirements of paragraphs 7 through 10 shall become null and void should Defendants permanently cease the blasting operations which are subject to this Consent Order and, if Defendants provide notice thereof to the Plaintiff.

V. CONTEMPT REMEDY

13. In the event that Defendants fail to comply with any of the requirements set forth herein, the Plaintiff may seek a contempt order in the Court of Common Pleas,

Mahoning County, Ohio.

VI. RETENTION OF JURISDICTION

14. This Court will retain jurisdiction of this action for the purpose of enforcing this Consent Order.

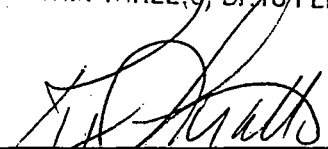
VII. COURT COSTS

15. Defendants will pay court costs, excluding attorney's fees, relative to the within action.

IT IS SO ORDERED.

THE CLERK SHALL SERVE NOTICE OF THIS ORDER UPON ALL PARTIES WITHIN THREE(3) DAYS PER CIVIL R. 5.

9/50, 1997
Dated




JUDGE LISOTTO, MAHONING COUNTY COURT OF COMMON PLEAS

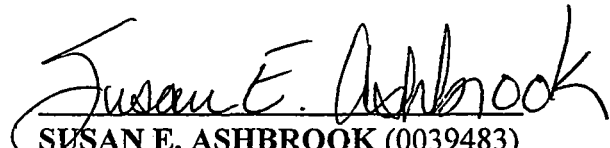
APPROVED AND AGREED TO:

**SAND BLASTING SPECIALISTS
aka SBS
aka SELECT BODY SERVICES; and
JOHN B. BONDI**

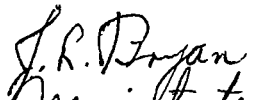
**BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO**

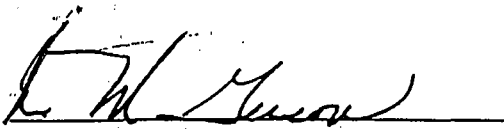


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*J.R. Bryan
Magistrate*



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Attorney for Defendants

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