

Subsequent Contempt Order

DIANA ZALESKI

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SUMMIT COUNTY  
CLERK OF COURTS

IN THE  
COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

State of Ohio, ex rel.  
Lee Fisher  
Attorney General of Ohio,

Case No. CV 89 08 2396

Judge Jane Bond

Plaintiff,

v.

ORDER AS TO THE STATE'S CIVIL  
CHARGES IN CONTEMPT

Schott Metal Products Co., et al.,

Defendants.

The instant matter is before the Court upon Plaintiff State of Ohio's ("State") Civil Charges in Contempt Against Defendants Schott Metal Products Company and Samuel C. Schott (hereinafter at times collectively referred to as "Defendants"). The Court being duly informed finds that the State and Defendants have consented to the entry of this Order.

Its is hereby ordered as follows:

1. Defendants have not fully complied with the terms of the August 28, 1990 Consent Order and, by virtue thereof, admit that they are in contempt of said Order.

2. By September 15, 1993, Defendants are ordered to remit to the Clerk of Courts, Summit County, Ohio for the Court of Common Pleas a certified check in the amount of two hundred and fifty dollars (\$250.00), pursuant to §2705.05 of the Ohio Revised Code ("RC"), for Defendants' failure to comply with all terms and conditions of this Court's August 28, 1990 Consent Order.

3. Within thirty (30) days of the Court's entry of this Order, Defendants are ordered to pay to the State a stipulated penalty of twenty thousand dollars (\$20,000.00), pursuant to Article XIII of the August 28, 1990 Consent Order. The stipulated penalty shall be paid by delivering to the attorney for the State, or his successor, a certified check for said amount, payable to the order of the "Treasurer, State of Ohio", to be deposited into the hazardous waste clean-up fund. The penalty shall be delivered to the State's attorney at the following address: Environmental Enforcement, 30 East Broad Street, 25th fl., Columbus, Ohio 43266-0410.

4. Within thirty (30) days of the Court's entry of this Order, Defendants are ordered to pay to the Attorney General of Ohio the enforcement costs associated with the prosecution of the civil contempt action *sub judice* in the amount of five thousand dollars (\$5,000.00). Said costs shall be paid by delivering to the attorney for the State, or his successor, a certified check for said amount, payable to the order of the "Treasurer, State of Ohio", to be deposited into the Ohio Attorney General's Special Reimbursement Fund, No. 612, Program No. 5718. Such costs shall be delivered to the State's attorney at the address listed in Order No. 3 above.

I certify this to be a true copy of the original  
Diana Zaleski, Clerk of Courts

 Deputy

5. Defendants, pursuant to Article VII, Paragraph No. 7 of the August 28, 1990 Consent Order, are ordered to comply with RC Chapter 3734. and the rules adopted thereunder pertaining to the management of hazardous waste at 2225 Lee Drive, Akron, Summit County, Ohio (hereinafter referred to as the "Lee Drive facility") and the closure of the hazardous waste management unit(s) at said facility.

6. Defendants are ordered to begin implementation of their revised closure plan within ten (10) days after receiving written approval of said plan from the Director of Environmental Protection ("Director").

7. Within thirty (30) days of the Court's entry of this Order, Defendants, pursuant to Article VII, Paragraph No. 8f of the August 28, 1990 Consent Order and Rules 3745-55-43 and/or 3745-66-43 of the Ohio Administrative Code ("OAC"), are ordered to establish financial assurance for the cost of closing the hazardous waste management unit(s) at the Lee Drive facility and to submit such information to the Ohio Environmental Protection Agency ("Ohio EPA"), Northeast District Office, Division of Hazardous Waste Management ("DHWM"), 2210 East Aurora Road, Twinsburg, Ohio 44087; with a notice of submittal of said item to the Ohio EPA's Central Office, DHWM, Enforcement Section, 1800 WaterMark Drive, P.O.Box 0149, Columbus, Ohio 43266-0149.

8. Within thirty (30) days of the Court's entry of this Order, Defendants, pursuant to Article VII, Paragraph No. 8g of the August 28, 1990 Consent Order and OAC Rules 3745-55-47 and/or 3745-66-47, are ordered to demonstrate to the Ohio EPA their financial responsibility for bodily injury and property damage to third persons caused by sudden and non-sudden accidental occurrences arising from operations at the Lee Drive facility. Said demonstration shall be submitted to the Ohio EPA at the addresses listed in Order No. 7 above.

9. In the event Defendants are required by the Ohio EPA to address any alterations, changes, deficiencies, deletions or revisions in the revised closure plan, revised closure cost estimate, groundwater plan, financial assurance documentation and/or financial responsibility documentation, Defendants are ordered to revise and to submit said documents to the Ohio EPA within thirty (30) days of receipt of written notice from the Ohio EPA that such revisions are required.

10. The provisions of this Court's August 28, 1990 Consent Order remain in full force and effect, including, but not limited to, Article XIII of said Order. In addition, said Article shall apply and be binding as to Order Nos. 5 through 9 set forth herein.

11. Compliance with the terms of this Order shall constitute full satisfaction of any civil liability by Defendants for the allegations set forth in the State's Civil Charges in Contempt filed with the Court April 28, 1993, and all violations up to and including the Court's entry of this Order. It is understood by the parties that nothing herein shall be construed to excuse Defendants' future compliance, *i.e.*, beginning the day following the Court's entry of this Order, with RC Chapter 3734., the rules adopted thereunder, the August 28, 1990 Consent Order and this Order.

12. Defendants are ordered to pay the court costs associated with this civil

contempt action.

The Court shall retain jurisdiction of this civil contempt action for the purpose of enforcing the terms and provisions of this Order and the August 28, 1990 Consent Order.


No further order is required. Entered this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

\_\_\_\_\_  
Judge Jane Bond


Approved:

LEE FISHER  
ATTORNEY GENERAL OF OHIO


  
Retanio A. Rucker (0039744)  
Assistant Attorney General

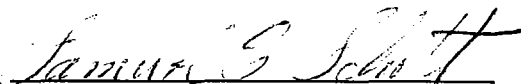
Environmental Enforcement  
30 East Broad Street, 25th fl.  
Columbus, Ohio 43266-0410  
(614) 466-2766

Attorney for the State of Ohio

  
Brent L. English (0022678)  
Courthouse Square, Suite 795  
310 Lakeside Avenue, West  
Cleveland, Ohio 44113-1021  
(216) 781-9917

Attorney for Defendants

  
Samuel C. Schott, President  
Schott Metal Products, Inc.

  
Samuel C. Schott, Individually