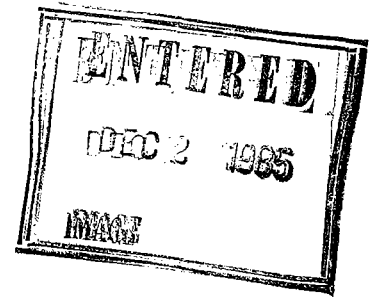


IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO



STATE OF OHIO, EX REL.	:	CASE NO. A8509596
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO,	:	
	:	JUDGE
Plaintiff,	:	
	:	
v.	:	
	:	
STEELCRAFT MANUFACTURING	:	
COMPANY, A DIVISION OF	:	
AMERICAN STANDARD INC.,	:	
	:	
Defendant.	:	

CONSENT DECREE

The Complaint in the above-captioned case having been filed herein, and the Plaintiff, State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff"), and the Defendant, Steelcraft Manufacturing Company (hereinafter "Steelcraft"), having consented to entry of this Decree:

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 as follows:

I. JURISDICTION

1. This Court has jurisdiction over the subject matter herein pursuant to Chapter 3704 of the Ohio Revised Code. The Complaint states a claim upon which relief can be

granted against Steelcraft under these statutes. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

## II. PARTIES

2. The provisions of this Consent Decree 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. Plaintiff alleges in its Complaint that Steelcraft has operated its painting operations at its manufacturing facility at 9017 Blue Ash Road, Cincinnati, Ohio (hereinafter the "facility") in violation of various state air pollution laws. Steelcraft neither admits nor denies those allegations. Compliance with the terms of this Consent Decree shall constitute full satisfaction of any civil or criminal liability by Steelcraft and all its parents, subsidiaries, employees, and former employees to the State of Ohio for all claims under such laws known to Plaintiff at this time. All such claims known to the State of Ohio have been alleged in the Complaint.

4. Nothing in this Decree shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint or addressed by this Consent Decree.

#### IV. COMPLIANCE SCHEDULE

5. Steelcraft shall achieve compliance with the applicable emission limitations specified in O.A.C. 3745-21-09(U)(1)(a)(iii) through the conversion of its painting lines to the use of compliance coatings having a volatile organic compound content of less or equal to 3.5 pounds per gallon, excluding water, as employed, according to the following schedule:

- A. Complete development of primer coating system by September 30, 1984, including performance tests and on-line testing at vendor facilities and on Steelcraft line.
- B. Complete engineering and place orders for the following required coating equipment by November 30, 1984;
  1. Paint Booth;
  2. Coating Applicators;
  3. Fluid handling equipment.
- C. Place orders for primer compliance coatings, for delivery no later than May 30, 1985, by January 31, 1985.
- D. Initiate on-site construction related to the installation of required compliance coating equipment by March 1, 1985.
- E. Complete on-site construction related to the installation of required compliance coating equipment by May 31, 1985.
- F. Achieve, demonstrate, and maintain compliance with applicable emission limitations for primer coatings by July 31, 1985.

- G. Complete development (including modification of primer to finish paint specifications, performance tests, and compliance tests) and place orders for all finish painting compliance coatings by October 31, 1985.
- H. Achieve, demonstrate, and maintain compliance with applicable emission limitations for finish paint coating operations by December 31, 1985.

In addition to meeting the deadlines specified in the above schedule, Steelcraft shall use its best efforts to achieve compliance with applicable emission limitations as expeditiously as practicable.

#### V. REPORTING

6. Within thirty (30) days after each of the milestone dates specified in the compliance schedule above, Steelcraft shall report to the Director of Environmental Protection and to the Southwestern Ohio Air Pollution Control Agency its compliance or non-compliance with such milestone date, and any other specific information related to Steelcraft's compliance or non-compliance with this Consent Decree. For those milestone dates occurring prior to the entry of this Consent Decree, Defendant Steelcraft shall provide such reports in summary form within thirty (30) days of the entry of this Decree. Those reports indicating compliance with applicable emissions limitations shall be accompanied by test results from an independent laboratory, conducted in accordance with U.S. EPA Method 24 (40 C.F.R. Part 60, Appendix A), which demonstrate

C  
that the coatings used by Steelcraft have a volatile organic compound content of less than or equal to 3.5 pounds per gallon excluding water as employed.

7. Steelcraft shall maintain monthly records which list the following data for each surface coating employed:

- A. The company identification of the surface coating;
- B. The number of gallons employed;
- C. The VOC content, in pounds of VOC per gallon of coating;
- D. The VOC content, in pounds of VOC per gallon of coating, minus water;
- E. The water content, in percent by volume; and
- F. The nonvolatile (solids) content, in percent by volume.

These monthly reports, as well as any supporting surface coating analyses and computations shall be retained at this facility for a period of not less than one year and shall be made available for review by the Director of the Ohio EPA and any authorized representative of the Director.

Steelcraft shall submit quarterly reports to the Southwestern Ohio Air Pollution Control Agency which summarize the following information for each coating employed during the previous three calendar months: the company identification of the surface coating, the total number of gallons employed, the VOC content (in pounds VOC per gallon of coating, minus water), the water content and the nonvolatile (solids) content in percent by volume. The reports shall be submitted by April 15,

July 15, October 15 and January 15, of each year and shall cover the previous calendar months (January through March, April through June, July through September, and October through December, respectively). The first report shall be submitted within thirty(30) days of the entry of this order and quarterly thereafter.

#### VI. PERMITTING

8. Within thirty (30) days after completion of the development of finish paint compliance coatings, Steelcraft shall submit an application for a Permit to Operate for Paint Line No. 1 to the Southwestern Ohio Air Pollution Control Agency which application shall be expeditiously processed and issued upon Steelcraft's demonstration of final compliance.

#### VII. OTHER STATUTES AND REGULATIONS

9. Nothing in this Consent Decree shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Steelcraft's facility. Both Defendant and Plaintiff reserve all rights and privileges except as specified herein.

#### VIII. MISCELLANEOUS

10. In any action to enforce any of the provisions of this Consent Decree (other than Paragraph 14) Steelcraft may

raise at that time the question of whether it is entitled to a defense that its conduct was caused by reasons beyond its control such as, by way of example and not limitation, act of God, unusually severe weather conditions, delays in availability of or defects in material or workmanship or products supplied by others, or delay or refusal of any designer, contractor, fabricator, or supplier to design, construct, fabricate, or deliver or install materials, part or equipment in a timely manner. While Plaintiff does not agree that such a defense exists, it is, however, hereby agreed upon by the parties that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time that an enforcement action, if any, is commenced. Acceptance of this Consent Decree without a force majeure clause does not constitute a waiver by Steelcraft Manufacturing Company of any rights or defenses it may have under applicable law.

11. The Court shall retain jurisdiction of this matter for the purpose of enabling any party to apply to the Court for any further orders necessary to construe, carry out, modify, or enforce compliance with the term of this Consent Decree, including disputes arising out of actions or determinations of Ohio EPA or Steelcraft taken on submissions or otherwise made pursuant to this Consent Decree.

12. All reports, requests, information submitted to Plaintiff by Steelcraft Manufacturing Company pursuant to this Consent Decree shall be submitted to:

For Ohio EPA

Charles Taylor, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
361 East Broad Street  
Columbus, Ohio 43216-1049  
For Southwestern Ohio Air Pollution  
Control Agency:

Charles Schumann, Director  
Southwestern Ohio Air Pollution  
Control Agency  
2400 Beekman Street  
Cincinnati, Ohio 45214

or to such persons and addresses as may hereafter be otherwise specified, in writing, by Plaintiff to Steelcraft.

#### IX. PENALTIES

13. Within thirty (30) days of the entry of this Order, Defendant Steelcraft shall pay, pursuant to Ohio Revised Code 3704.06, a civil penalty of Forty Thousand Dollars (\$40,000.00). Payment shall be made by delivering to Plaintiff's counsel, for payment into the State Treasury, a certified check in the amount of Forty Thousand Dollars (\$40,000.00) made payable to "Treasurer, State of Ohio."

14. Should Defendant Steelcraft fail to demonstrate



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full compliance with Ohio Administrative Code Section 3745-21-09(U)(1)(iii) by December 31, 1985, as required by IV 5(H) of this Decree, Defendant Steelcraft shall pay a stipulated civil penalty of Three Hundred Dollars (\$300.00) per day for every day of non-compliance with the requirement Ohio Administrative Code Section 3745-21-09(U)(1)(a)(iii).

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15. Defendant Steelcraft shall pay the stipulated penalty in Paragraph 14 upon written demand from the Plaintiff. The penalty will be paid within seven(7) days of said demand by delivering a certified check to Plaintiff's counsel payable to "Treasurer, State of Ohio" in the appropriate amount in full. This stipulated penalty is not to be suspended in whole or in part. Defendant waives all rights it may have to contest the imposition of these stipulated penalties for violations of this Court order, except the defense that they did in fact comply with said paragraphs.

16. Upon tender of any stipulated penalty for a violation of IV 5(H) and acceptance thereof by Plaintiff, Defendant shall be deemed to have been subjected to enforcement action for that violation and shall not thereafter be subject to any additional penalty or other relief for that violation.

17. Plaintiff may choose not to demand payment of the stipulated penalties described above in situations where Plaintiff believes stipulated penalties are not adequate to facilitate compliance with Ohio Administrative Code 3745-21-09(U)(1)(a)(iii). On occasions where Plaintiff chooses

not to demand the payment of the stipulated civil penalty pursuant to Paragraph 15 above for a failure to demonstrate compliance with Ohio Administrative Code Section 3745-21-09(U)(1)(a)(iii) by December 31, 1985 or on occasion where Defendant otherwise violates the terms of this Consent Judgment, Plaintiff reserves whatever rights it has in contempt or otherwise to seek redress for these violations.

18. The costs of this action are hereby assessed against the Defendant.

  
\_\_\_\_\_  
JUDGE, COURT OF COMMON PLEAS

APPROVED:

STATE OF OHIO, EX REL.  
ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

STEELCRAFT MANUFACTURING COMPANY

  
\_\_\_\_\_  
KAREN A. KOLMACIC  
Assistant Attorney General

  
\_\_\_\_\_  
H. THOMPSON SMITH  
President

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

STATE OF OHIO  
LEE FISHER  
ATTORNEY GENERAL OF OHIO,

CASE NO. A8509596

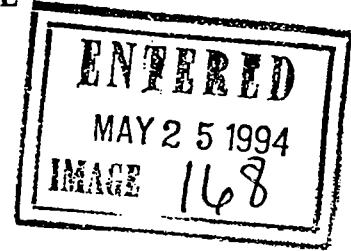
JUDGE NADEL

PLAINTIFF,

v.

STEELCRAFT MANUFACTURING  
COMPANY, A DIVISION OF  
AMERICAN STANDARD, INC.,

DEFENDANT.



CONSENT ORDER FOR PENALTIES

WHEREAS, Plaintiff State of Ohio, by its Attorney General (hereinafter "Plaintiff") and Defendant Steelcraft Manufacturing Company, A Division of American Standard, Inc. (hereinafter "Defendant") entered into a Consent Decree filed by the court in this matter on December 2, 1985;

WHEREAS, Paragraph 5(H) of the Decree required Defendant to comply with applicable air pollution limits by December 31, 1985;

WHEREAS, Paragraphs 14-17 of the Decree require Defendant to pay stipulated penalties for failure to comply with Paragraph 5(H) on demand of Plaintiff;

WHEREAS, Plaintiff alleges that the Defendant failed to comply with applicable air pollution limits in violation of Paragraph 5(H) on numerous days between January 1, 1986 and December 29, 1988;

WHEREAS, Plaintiff has demanded payment of stipulated penalties under Paragraphs 14-17 for the violations of Paragraph 5(H);

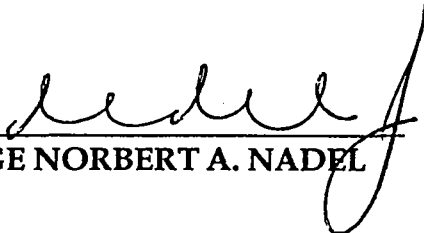
WHEREAS, the parties have determined that settlement of the stipulated

penalties is in the public interest;

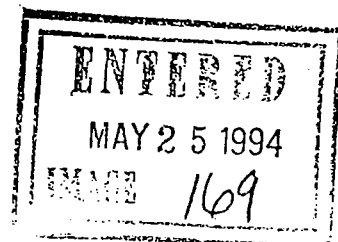
NOW, THEREFORE, the parties hereby stipulated to the following:

1. Defendant shall pay to Plaintiff a total stipulated penalty in the amount of \$75,000, pursuant to Paragraphs 14 to 17, for the violations of Paragraph 5(H) of the Consent Decree between January 1, 1986 and December 29, 1988.
2. Payment of such penalty shall be in the form of a certified check, payable to "Treasurer, State of Ohio" and delivered to Plaintiff's counsel within twenty (20) days of the effective date of this Consent Order for Penalties.
3. Payment of such penalty shall constitute full satisfaction of Defendant's obligation to pay penalties under Paragraphs 14-17 for the violations of Paragraph 5(H) between January 1, 1986 and December 29, 1988.


IT IS SO ORDERED.

  
\_\_\_\_\_  
JUDGE NORBERT A. NADEL


5/25/94  
Date



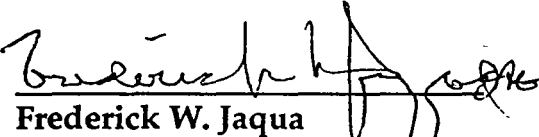
LEE FISHER  
ATTORNEY GENERAL OF OHIO

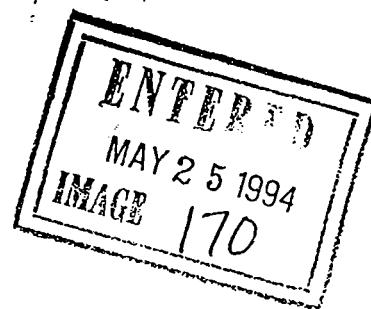
  
RUSSELL S. FRYE  
Chadbourne & Parke  
1101 Vermont Avenue, N.W.  
Washington, D.C. 20005-3521  
(202) 289-3000

Counsel for Defendant

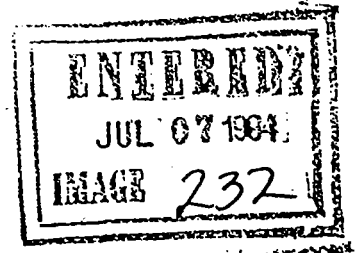
  
JAMES O. PAYNE, JR. (0008129)  
Assistant Attorney General  
Environmental Enforcement  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43266-0410  
(614) 466-2766

Counsel for Plaintiff

  
Frederick W. Jaqua  
Vice President, General Counsel  
and Secretary  
American Standard Inc.  
1114 Avenue of the Americas  
New York, NY 10036



IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO



STATE OF OHIO : CASE NO. A8509596  
LEE FISHER :  
ATTORNEY GENERAL OF OHIO, : JUDGE NADEL  
 :  
 PLAINTIFF, :  
 :  
 v. :  
 :  
 STEELCRAFT MANUFACTURING :  
 COMPANY, A DIVISION OF :  
 AMERICAN STANDARD, INC., :  
 :  
 DEFENDANT. :

CONSENT ORDER FOR PENALTIES

WHEREAS, Plaintiff State of Ohio, by its Attorney General (hereinafter "Plaintiff") and Defendant Steelcraft Manufacturing Company, A Division of American Standard, Inc. (hereinafter "Defendant") entered into a Consent Decree filed by the court in this matter on December 2, 1985;

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WHEREAS, Plaintiff alleges that the Defendant failed to comply with applicable air pollution limits in violation of Paragraph 5(H) on numerous days between January 1, 1986 and December 29, 1988;

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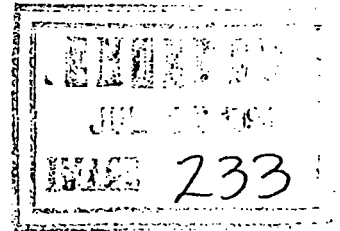
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2. Payment of such penalty shall be in the form of a certified check, payable to "Treasurer, State of Ohio" and delivered to Plaintiff's counsel within twenty (20) days of the effective date of this Consent Order for Penalties.
3. Payment of such penalty shall constitute full satisfaction of Defendant's obligation to pay penalties under Paragraphs 14-17 for the violations of Paragraph 5(H) between January 1, 1986 and December 29, 1988.


IT IS SO ORDERED.

  
\_\_\_\_\_  
JUDGE NORBERT A. NADEL


7/7/94  
Date



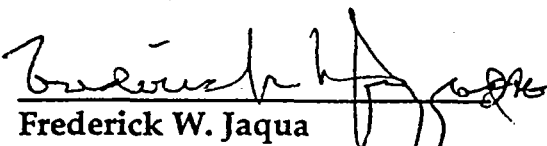
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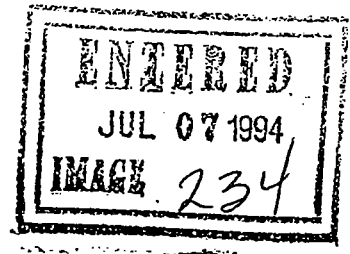
  
RUSSELL S. FRYE  
Chadbourne & Parke  
1101 Vermont Avenue, N.W.  
Washington, D.C. 20005-3521  
(202) 289-3000

Counsel for Defendant

  
JAMES O. PAYNE, JR. (0008129)  
Assistant Attorney General  
Environmental Enforcement  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43266-0410  
(614) 466-2766

Counsel for Plaintiff

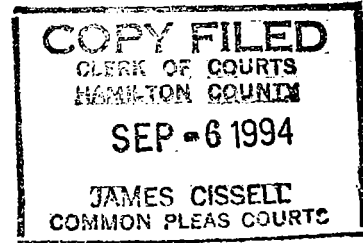
  
Frederick W. Jaqua  
Vice President, General Counsel  
and Secretary  
American Standard Inc.  
1114 Avenue of the Americas  
New York, NY 10036





IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

STATE OF OHIO, EX. REL. : CASE NO. A8509596  
ATTORNEY GENERAL OF OHIO :  
 :  
Plaintiff : JUDGE NADEL  
 :  
V. :  
 :  
STEELCRAFT MANUFACTURING :  
COMPANY :  
 :  
 :  
Defendant :



DEFENDANT'S MOTION TO TERMINATE CONSENT DECREE

Defendant in this action, by and through counsel, hereby moves the Court for an Order terminating the Consent Decree entered in this matter on December 2, 1985 ("Consent Decree").


Defendant Steelcraft Manufacturing Company was formerly owned by, and a division of, American Standard Inc.; it is now a division of MascoTech, Inc. The Consent Decree was entered into by Defendant as a division of American Standard Inc.

The terms and conditions of the Consent Decree have been fulfilled. The compliance and reporting obligations under Section IV and V, respectively, have been fulfilled. The state has ceased the obligation for monthly reporting and incorporated quarterly reporting duties into the facility's air emission permits. All other obligations of the Consent Decree have similarly been fulfilled.

The Attorney General of the State of Ohio is in support of this Motion.

Through this motion, MascoTech, Inc. does not waive any of its rights to contest and object to the application of this Consent Decree to MascoTech, Inc.

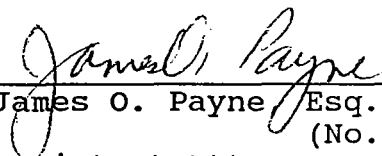
A proposed Order is attached for the Court's consideration.



Mark A. Norman, Esq. (N-125)  
(No. 0012033)

Attorney for Steelcraft  
Manufacturing Company, a  
Division of MascoTech, Inc.  
Vorys, Sater, Seymour and Pease  
221 E. Fourth Street, Suite 2100  
Cincinnati, Ohio 45202  
(513) 723-4000

In Support of Defendants Motion to Terminate Consent Decree



James O. Payne, Esq. (J-413)  
(No. 000729)

Assistant Attorney General  
30 E. Broad Street, 25th Floor  
Columbus, Ohio 43266-0410  
(614) 466-2766

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

*Handwritten signature*

STATE OF OHIO, EX. REL.  
ATTORNEY GENERAL OF OHIO

: CASE NO. A8509596

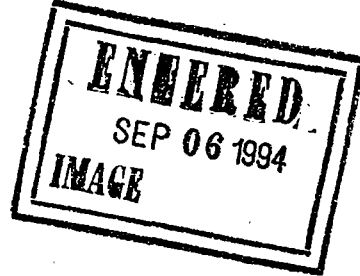
: JUDGE NADEL

Plaintiff

v.

STEELCRAFT MANUFACTURING  
COMPANY

Defendant



O R D E R

This matter, having come before the Court upon the Motion of the Defendant to Terminate Consent Decree, and good cause having been shown, and upon said Motion,

IT IS HEREBY ORDERED that the Consent Decree in this case, entered December 2, 1985, is hereby terminated. This case is hereby closed.

*Handwritten signature of Judge Nadel*  
\_\_\_\_\_  
JUDGE, COURT OF COMMON PLEAS

APPROVED:

STATE OF OHIO, EX REL.  
LEE FISHER  
ATTORNEY GENERAL OF OHIO

STEELCRAFT MANUFACTURING COMPANY

*Handwritten signature of James D. Payne*  
\_\_\_\_\_

*Handwritten signature of Mark A. Hoffman*  
\_\_\_\_\_