

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO,
ex rel. LEE FISHER
ATTORNEY GENERAL OF OHIO,

Plaintiff,

vs.

SUN REFINING AND MARKETING,
INC.,
1819 Woodville Road
P.O. Box 920
Toledo, Ohio 43693,

Defendant.

CASE No. 928VH11-8697

JUDGE

CONSENT ORDER

The State of Ohio, by and through Attorney General Lee Fisher, at the written request of the executive committee of the Emergency Response Commission, filed a Complaint in this matter seeking injunctive relief and civil penalties from Defendant Sun Refining and Marketing, Inc. ("Sun") for violations of Revised Code ("ORC") Chapter 3750. The parties have reached agreement on the issues of injunctive relief and civil penalties. The parties have agreed that entry of this Consent Order is without admission as to fact or liability, and to settle and resolve claims which are contested as to validity and amount without further litigation; Therefore, without trial



of any issue of fact or law, it is hereby *ADJUDGED, ORDERED and DECREED* as follows:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this case. Venue is proper in this Court.

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the Defendant, its agents, officers, servants, employees, assigns, successors in interest and any person in active concert or participation with it who receives actual notice of this Order.

III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Order shall constitute full satisfaction of any civil liability of Defendant for the claims alleged in the State's Complaint. This Order shall not be construed to limit the authority of the State to seek relief for claims or conditions not specifically alleged in the Complaint, including, but not limited to, claims brought under R.C. Chapters 3734, 3704, 6111 and 3750 and conditions or claims occurring after the filing of this Complaint.

IV. INJUNCTION

4. Sun is hereby permanently enjoined to comply with the requirements of Chapter 3750. of the Ohio Revised Code, including the reporting requirements contained in R.C. Section

3750.06, and shall comply with the following requirements within the following time periods.

5. Within forty-eight (48) hours of the entry of this Order, Sun shall conspicuously post and maintain the SERC/OEPA emergency telephone number at all telephone locations at the Hocking Valley Dock facility.

V. EMPLOYEE TRAINING PROGRAM

6. Within ninety (90) days of the entry of this Consent Order, Defendant Sun Refining is enjoined and ordered to provide documentation that all appropriate operations personnel at its Hocking Valley Dock facility have been trained in the verbal and written reporting requirements of ORC Section 3750.06. The documentation shall contain a brief description of the training program's content and the means by which and to whom training was administered and shall be sent to Ken Schultz, or his successor, Ohio EPA, Division of Emergency and Remedial Response, 1800 WaterMark Drive, Columbus, Ohio 43266-0149. Defendant is further enjoined and ordered to provide such documentation, in the manner set forth above, on or before January 15th of each year, for the next five (5) years or until the injunctive provisions of this Section are terminated by the Court, in accordance with Section VII of this Consent Order.

VI. CIVIL PENALTY

7. Within seven (7) days of the entry of this Order, Sun shall pay a civil penalty of Three Thousand Five Hundred

Dollars (\$3,500.00) pursuant to ORC 3750.20. Payment shall be made by delivering a certified check or money order to Janis Miller, Administrative Assistant, Attorney General's Office, 30 East Broad Street, Environmental Enforcement Section, 25th Floor, Columbus, Ohio 43266-0410. The check or money order shall be made payable to "Treasurer, State of Ohio."

VII. TERMINATION OF PERMANENT INJUNCTION

No earlier than two (2) years from the date of the Court's entry of this Consent Order, Defendant Sun may move the Court, pursuant to Rule 60(B) of the Ohio Rules of Civil Procedure, to terminate the injunctive provisions of Sections IV and V of this Consent Order. Termination of the aforementioned injunctive provisions shall only be effected by Order of the Court upon a showing by Defendant Sun that it has been in total compliance with the obligations of this Consent Order for the previous two (2) year period. Plaintiff takes no position as to such motion and reserves any rights it may have to oppose the motion including the basis that two (2) years is, in actuality, not an appropriate time period.

VIII. RETENTION OF JURISDICTION

The Court will retain jurisdiction of this action for the purpose of overseeing that Defendant Sun carries out the terms and conditions of this Consent Order.


IX. COSTS

8. Sun is hereby ordered to pay the Court costs of this action.

ENTERED THIS _____ DAY OF OCTOBER, 1992.

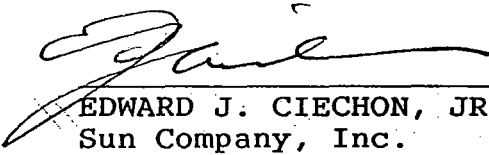
JUDGE, FRANKLIN COUNTY COURT OF
COMMON PLEAS

LEE FISHER
ATTORNEY GENERAL OF OHIO



GERTRUDE M. KELLY (0039768)
Assistant Attorney General
Environmental Enforcement Section
30 East Broad Street - 25th Floor
Columbus, Ohio 43266-0410
Telephone: (614) 466-2766

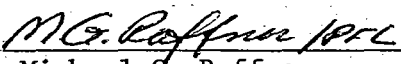
Counsel for Plaintiff
State of Ohio



EDWARD J. CIECHON, JR. ()
Sun Company, Inc.
Ten Penn Center
1801 Market Street
Philadelphia, PA 19103-1699

Counsel for Defendant
Sun Refining

SUN MANUFACTURING & REFINING,
INC.

By: 

Name: Michael G. Ruffner

Title: Refinery Manager

0682E.1-5