

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

STATE OF OHIO, ex rel. :
WILLIAM J. BROWN :
ATTORNEY GENERAL OF OHIO :
30 East Broad Street :
Columbus, Ohio 43215, :

Plaintiff, :

vs. :

WHITTAKER CORPORATION, :
WINTERS INDUSTRIES :
4125 Mahoning Road, N.E. :
Canton, Ohio 44705, :

Defendant. :

Case No. 80-905
July 8, 1980

CONSENT DECREE

The Complaint having been filed herein on JULY 8 , 1980,
and the parties hereto having consented to the entry of this
Consent Decree, now therefore, before answer and the taking of
any testimony and upon the pleadings, it is

ORDERED, ADJUDGED, AND DECREED that:

I.

This Court has jurisdiction of the subject matter herein
and of the parties consenting hereto. The Complaint states a
claim upon which relief can be granted against the Defendant.
However, by this Entry the Defendant does not admit any of the
allegations contained in the Complaint.

II.

The provisions of this Consent Decree shall apply to and be
binding upon the parties to this action, their agents, servants,
employees and successors; in addition, the provisions of the
Consent Decree shall apply to the Director of Environmental Pro-
tection, the Ohio Environmental Protection Agency and the Depart-
ment of Health, Canton, Ohio, and to all persons, firms, corporations,
and other entities having notice of this Consent Decree and who
are, or will be, acting in concert and privity with the Defendant
to this action or its agents, servants, employees and successors.

A TRUE COPY TESTE:
JAMES L. FREEMAN, CLERK
By J. L. Freeman Deputy
Date 7-8-80

III.

The Defendant is hereby permanently enjoined from operating its Isocure process of core-making at its facility at 4125 Mahoning Road, N.E., Canton, Ohio, in such a manner as to create an odor nuisance to the public in violation of Sections 3704.05 and 3767.13 of the Revised Code.

IV.

The Defendant, so as to avoid violations of Sections 3704.05 and 3767.13 of the Revised Code as set forth in Paragraph III of this Consent Decree, shall perform the following actions:

- A. On or before the entry of this Consent Decree, Defendant shall treat the exhaust gases from the production core-making machines by installing exhaust scrubbing equipment of a capacity at least equal the scrubbing capacity necessary to destroy offensive odors from the process.
- B. On or before the entry of this Consent Decree, Defendant shall cause all cores made on a nonproduction basis utilizing the Isocure process to be made from the prototype machines being vented to adequate scrubbing equipment.
- C. On or before the entry of this Consent Decree, Defendant shall house all stored catalyst chemicals in a building within the plant itself.
- D. On or before the entry of this Consent Decree, Defendant shall construct an automatic enclosed feed system for charging catalyst into the core machine reservoirs.
- E. On or before the entry of this Consent Decree, Defendant shall operate and maintain all core-making machines and scrubbing equipment according to the manufacturer's recommendations, which shall be filed with the Air Pollution Control Division, Department of Health, Canton, Ohio.
- F. On or before the entry of this Consent Decree, Defendant shall employ at least one maintenance employee for each shift during which Isocure cores are being produced whose primary job function will be to inspect, maintain, and repair the Isocure core-making machines and scrubbing equipment, so

as to minimize the leaking of catalyst chemicals into the Winters building.

G. On or before the entry of this Consent Decree, Defendant shall begin to maintain an adequate supply of critical spare parts and materials necessary to keep scrubbing equipment operational. Such spare parts and materials shall include a spare pump motor and a spare fan motor.

H. On or before the entry of this Consent Decree, Defendant shall take steps to assure that empty drums and other containers of catalyst are plugged during storage to preclude leaking of chemical residue.

I. On or before the entry of this Consent Decree, Defendant shall begin to use only that catalyst which contains a chemical intended to mask or render less offensive the odor of that catalyst in a concentration recommended by the chemical manufacturer.

J. Within five (5) business days after the entry of this Consent Decree, Defendant shall certify to the Director of the Ohio Environmental Protection Agency and the Air Pollution Control Division, Department of Health, Canton, Ohio, that such required actions have been performed.

K. Defendant shall report, by telephone, to the Air Pollution Control Division, Department of Health, Canton, Ohio, any malfunction of scrubbing equipment or of Isocure core-making machines or other event which causes substantial leakage of catalyst into the Winters plant, or to the ambient air.

L. Defendant may be required to temporarily cease operations of portions of the Isocure core-making facilities if the Air Pollution Control Division, Department of Health, Canton, Ohio, finds, after adequate inspection, that a malfunction as described in Paragraph K above is causing nuisance conditions off of Defendant's premises.

V.

This Consent Decree does not preclude Winters Industries from modifying, expanding, or changing its equipment, process and operations, so long as those changes do not decrease the efficiency of the odor control measures required by Part IV of this Consent Decree and do not result in any violation of applicable law.

VI.

The Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Judgment.

DATE July 10, 1955

John J. Duran
JUDGE, COURT OF COMMON PLEAS

APPROVED:

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

BY: Margaret A. Malone
MARGARET A. MALONE
Assistant Attorney General

BY: Martin H. Lewis
MARTIN H. LEWIS
Assistant Attorney General

VORYS, SATER, SEYMOUR AND PEASE

BY: John W. Hoberg
JOHN W. HOBERG
Attorney for Winters Industries

KRUGLIAK, WILKINS, GRIFFITHS & DOUGHERTY

BY: Michael A. Thompson
Michael A. Thompson
Of Counsel