

LARRY J. LONG
CLERK OF COURTS
FAYETTE COUNTY
WASHINGTON, OHIO

IN THE COURT OF COMMON PLEAS
FAYETTE COUNTY, OHIO

93 JUL 20 PM 12:30

STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY,
ATTORNEY GENERAL OF OHIO
30 East Broad Street
Columbus, Ohio 43215-3428,

Plaintiff,

v.

YUSA CORPORATION
151 Jamison Road, SW
Washington Court House, Ohio 43160,

Defendant.

CASE NO. 980214CVH

JUDGE VICTOR D. PONTIOUS, JR.

CONSENT ORDER

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General, Betty D. Montgomery, (hereinafter "Plaintiff") and Defendant YUSA Corporation having consented to the entry of this Order,

NOW THEREFORE, without trial of any issue of fact or law, without admission by Defendant of any violation, fact or liability and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. DEFINITIONS

1. As used in this Order, the following terms are defined as follows:
 - a. "Air contaminant source", or "source", has the same meaning as that set forth in Ohio Rev. Code §3704.01(C) and Ohio Administrative Code Rules 3745-31-01(D) and 3745-35-01(B)(1).
 - b. "Consent Order", or "Order", means this Order and Final Judgment.

- c. "Facility" means Defendant YUSA Corporation's manufacturing facility for motor vehicle parts (including rubber hoses, rubber tubes, and molded rubber parts) located at 151 Jamison Road, SW, Washington Court House, Fayette County, Ohio.
- d. "O.A.C." means the Ohio Administrative Code.
- e. "Ohio EPA" means the Ohio Environmental Protection Agency.
- f. "Permit to Install, or "PTI", has the same meaning as set forth in O.A.C. Chapter 3745-31.
- g. "Permit to Operate", or "PTO", has the same meaning as set forth in O.A.C. Chapter 3745-35.
- h. "Title V permit" has the same meaning as set forth in O.A.C. Chapter 3745-77.

II. JURISDICTION AND VENUE

2. The Court has jurisdiction over the parties and the subject matter of this case pursuant to Ohio Revised Code Chapter 3704. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 3704 of the Ohio Revised Code, and venue is proper in this Court.

III. PARTIES

3. The injunctive provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them to extent contemplated by Rule 65 of the Ohio Rules of Civil Procedure. The civil penalty provision of this Consent Order shall apply to and be binding upon the parties to this action, its assigns and successors in interest.

IV. SATISFACTION OF LAWSUIT

4. Plaintiff alleges in its Complaint, *inter alia*, that YUSA Corporation has operated numerous air contaminant sources at the facility without Permits to Operate such sources in violation of the air pollution control laws and regulations of the State of Ohio. Plaintiff further alleges in its Complaint that YUSA Corporation has installed numerous sources of air contaminants without Permits to Install such sources. In addition, Plaintiff alleges in its Complaint that YUSA Corporation failed to comply with O.A.C. Rule 3745-21-09(U) concerning the emission of volatile organic compounds (“VOCs”), and O.A.C. Rule 3745-15-06 concerning the methods by which malfunctions of air pollution control equipment shall be reported.

5. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for the claims which have been alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for violations not alleged in the Complaint, including violations which occur after the entry of this Consent Order.

6. Nothing in this Consent Order shall be deemed an admission of any fact or allegation in the Complaint, all of which Defendant specifically denies, and Defendant’s participation in this Consent Order shall not be deemed an admission of liability for any purpose. Nothing in this Consent Order shall limit Defendant’s right to defend against any allegation by Plaintiff of additional violations of law or a violation of this Consent Order.

V. INJUNCTION

A. Compliance With Permits and Permitting Requirements

7. YUSA Corporation agrees to refrain and is permanently enjoined from “installing” or “modifying” any “air contaminant source”, as those terms are defined in O.A.C. Rules 374531-01(I), (J), and (C), at the Facility without first applying for and obtaining a Permit to Install from Ohio EPA in accordance with O.A.C. Rule 3745-31-02(A), unless the source is exempted from the requirement to obtain a Permit to Install by federal or state statute or regulation.

8. YUSA Corporation agrees to refrain and is permanently enjoined from operating any air contaminant source, as that term is defined in O.A.C. Rule 3745-35-01(B)(1), at the Facility without first applying for and obtaining a Permit to Operate from Ohio EPA in accordance with O.A.C. Rule 3745-35-02(A) -- unless the source is exempted from the requirement to obtain a Permit to Operate by federal or state statute or regulation, or unless the source is part of a facility that is required to obtain a Title V permit pursuant to O.A.C. Chapter 3745-77.

9. YUSA Corporation agrees and is permanently and immediately enjoined and ordered to comply with the provisions of O.A.C. Chapter 3745-77 to the extent that the provisions of this Chapter remain applicable to the Facility.

10. YUSA Corporation agrees and is permanently and immediately enjoined and ordered to comply with all terms and conditions of all Permits to Install, Permits to Operate, and Title V permits which are issued to it for air contaminant sources at the Facility.

B. Compliance With O.A.C. Rule 3745-21-09(U).

11. Defendant YUSA Corporation agrees and is hereby enjoined and ordered to comply with all applicable VOC emission limitations established by the Director of Environmental Protection in O.A.C. Rule 3745-21-09.

C. Compliance With O.A.C. Rule 3745-15-06.

12. Defendant YUSA Corporation agrees and is hereby enjoined and ordered to comply with the malfunction reporting provisions of O.A.C. Rule 3745-15-06.

VI. CIVIL PENALTY

13. Defendant YUSA Corporation shall pay a civil penalty of Two Hundred Seventy-Five Thousand Dollars (\$275,000.00). Of this amount, Two Hundred Fifty-Five Thousand Dollars (\$255,000.00) shall be paid in cash by Defendant by delivering a certified check to Jena Suhadolnik, Administrative Assistant (or her successor), Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, payable to the order of "Treasurer, State of Ohio", within thirty (30) days of the entry of this Order.

14. The remaining Twenty Thousand Dollars (\$20,000.00) shall be paid in the form of a supplemental environmental project. Specifically, Defendant is hereby enjoined and ordered to deliver a certified check, made payable to the Ohio Department of Natural Resources, Division of Forestry, for the purpose of funding a tree-planting project in the City of Washington, Ohio. This check shall be due thirty (30) days of the entry of this Order.

VII. RETENTION OF JURISDICTION

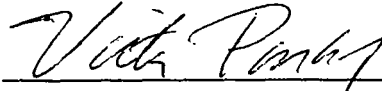
15. The court will retain jurisdiction of this action for the purpose of enforcing this Consent Order and resolving disputes arising under the Order.

IX. COSTS

16. Defendant YUSA Corporation is hereby ordered to pay the court costs of this action.

IT IS SO ORDERED:

ENTERED THIS 20 DAY OF July, 1998.



**JUDGE VICTOR D. PONTIOUS, JR.,
FAYETTE COUNTY COURT OF COMMON PLEAS**

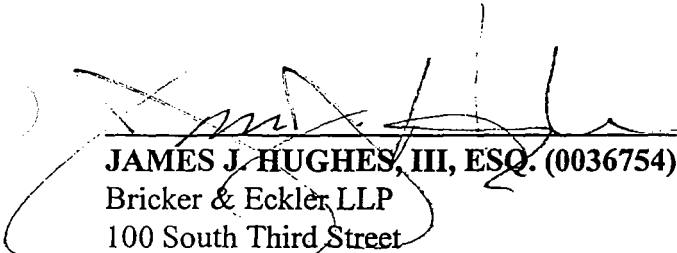
APPROVED:

YUSA CORPORATION

BY:

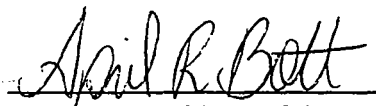
**STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO**

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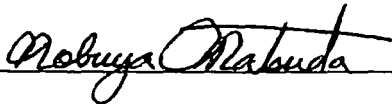
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BY:



NOBUYA MATSUDA--PRESIDENT, YUSA CORPORATION