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IN THE COURT OF COMMON PLEAS
FAIRFIELD COUNTY, OHIO

FILED

STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR.,

Plaintiff,

vs.

ANCHOR HOCKING CORPORATION,

and

JOHN E. SPIRES,

Defendants.

Sep 6 9 44 AM '87

ROBERT W. LACEY
CLERK CASE NO. 87-CV-AG-0446
FAIRFIELD COUNTY, OHIO
JUDGE CLARK

CONSENT ORDER

Plaintiff, State of Ohio, by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff"), having filed the Complaint herein on August 17, 1987 against Defendants Anchor Hocking Corporation ("Anchor Hocking") and Defendant John E. Spires, alleging violations of Chapter 3734. of the Ohio Revised Code, and the parties having consented to the entry of this Order,

NOW THEREFORE, without the trial of any issue of fact or law, and without any admission of liability or fault as to any allegation or matter arising out of the pleadings of any party or this Consent Order, including, but not limited to, whether violations of Chapter 3734. of the Ohio Revised Code have occurred, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. JURISDICTION

1. The Court has jurisdiction over the parties and subject matter of this action, pursuant to Chapter 3734. of the Ohio

Revised Code and the regulations adopted thereunder. Venue is proper in this Court. The Complaint states a claim upon which relief can be granted under these statutory and regulatory provisions.

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert, privity or participation with them who receive actual notice of this Consent Order whether by personal service or otherwise. Defendant Anchor Hocking shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein, and each general contractor shall provide a copy of this Consent Order to each of its subcontractors for such work.

III. SATISFACTION OF LAWSUIT

3. Plaintiff has alleged in its Complaint that Defendant Anchor Hocking has operated its facility located at 403 S. Ewing Street, Lancaster, Ohio ("the Anchor Hocking facility") in violation of various provisions of the solid waste laws of Ohio, as set forth in Chapter 3734. of the Ohio Revised Code and the regulations adopted thereunder. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil penalty liability by Defendant Anchor Hocking for all claims under such laws and regulations as alleged in the Complaint.

4. Defendant John E. Spires is dismissed from this action with prejudice.

5. Nothing in this Order 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 Order. The parties currently are not aware of any conditions at the Anchor Hocking facility which are not alleged in the Complaint or addressed by this Consent Order.

IV. ADDITIONAL INVESTIGATIVE WORK

6. Upon entry of this Consent Order, Defendant Anchor Hocking will perform the additional investigative work described in Attachment A of this Order. The purpose of the investigative work is to determine the nature and extent of any groundwater or soil contamination resulting from any disposal of solid waste materials at the Anchor Hocking facility which are alleged in the Complaint.

7. The following additional investigative work shall be performed in accordance with Attachment A and results of the work submitted to the State on or before three (3) months from the date of entry of this Consent Order:

- a. install two additional ground water monitoring wells;
- b. perform soil sampling;
- c. perform two additional rounds of sampling from all monitoring wells, including the two aforementioned additional ground water monitoring wells;
- d. complete analysis of groundwater and soil samples and forward test results to:

Linnea Saukko
Geology Program Supervisor
Division of Ground Water
Central District Office
Ohio Environmental Protection Agency
P.O. Box 1049
1800 Watermark Drive
Columbus, Ohio 43226-0149

and

Philip E. Haffenden
Assistant Attorney General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43226-0410

8. In the event that Defendant Anchor Hocking requests an extension of time to complete the foregoing investigative work, and the parties cannot agree upon such an extension, then in any action by the Plaintiff to enforce any provision of this Decree, Defendant Anchor Hocking may raise at that time the question of whether it is entitled to an extension because its delay in completing the work was caused by reasons beyond its control such as, by way of example and not limitation, act of God, unusually severe weather conditions, unanticipated physical conditions, strikes, acts of war or civil disturbances, or orders of any regulatory agency. While the Plaintiff does not agree that such defense exists, it is, however, hereby agreed by Defendant Anchor Hocking and Plaintiff that it would be 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 defense is at the time an enforcement action, if any, is commenced.

9. If the results of the additional groundwater sampling indicate that concentrations of contaminants are equal to or less than the results of sampling conducted on June 15, 1988, as set forth in Attachment B, the parties agree that no additional investigative or remedial action will be necessary at the Anchor Hocking facility regarding the incidents giving rise to the filed complaint and addressed in this Consent Order..

10. After receipt of the additional groundwater sampling and the soil sampling results, the Plaintiff shall have a period of ninety (90) days to review the results of such sampling and inform Defendant Anchor Hocking whether the Plaintiff is satisfied with the results. If, after reviewing the additional sampling results, the Plaintiff notifies Anchor Hocking in writing that it wishes defendant Anchor Hocking to implement further investigative work or remedial action at Plant No. 2, the parties shall meet within thirty (30) days of receipt of such notice by Defendant Anchor Hocking and the parties shall attempt to reach agreement respecting any further investigative work or remedial action. If the parties cannot reach agreement regarding the Plaintiff's request for additional investigative work or remedial action at the Anchor Hocking facility, either party may request that this Court determine whether such further investigative work or remedial action should be conducted by Defendant at the Anchor Hocking facility.

11. Plaintiff reserves all legal and equitable authority under the laws and regulations of the State of Ohio including, but not limited to, Chapter 3734. of the Ohio Revised Code, and regulations adopted thereunder, to seek additional investigative or remedial action if the additional investigatory work set forth in

Paragraph 7 of this Consent Order reveals concentrations of contaminants which exceed those levels set forth in Attachment B. Defendant Anchor Hocking reserves the rights and defenses which it may have under the laws and regulations of the State of Ohio including, but not limited to Chapter 3734. of the Ohio Revised Code, and regulations adopted thereunder, to contest and defend against any claim or requirement by the Plaintiff for additional investigative or remedial action if the investigative work set forth in Paragraph 7 of this Consent Order reveals concentrations of contaminants which exceed those levels set forth in Attachment B. Defendant Anchor Hocking does not concede that any level of contamination in excess of the results set forth in Attachment B necessarily requires either further investigative work or remedial action, but the parties agree that such issues should be resolved in accordance with the provisions of Paragraph 10 of this Consent Order.

V. PAYMENT IN SETTLEMENT OF
CLAIM FOR PENALTIES

12. Defendant Anchor Hocking shall pay to the State of Ohio the amount of Nine Thousand Five Hundred Dollars (\$9,500.00). This amount shall be paid by delivering to counsel for Plaintiff a certified check for that amount, payable to the order of "Treasurer, State of Ohio" within thirty (30) days from the date of entry of this Consent Order. The foregoing payment shall be in full settlement and satisfaction of all claims by Plaintiff for all fines, penalties and otherwise arising out of the allegations set forth in its Complaint.

VI. COMPLIANCE WITH APPLICABLE LAWS

13. Nothing herein shall affect Defendant Anchor Hocking's obligation to comply with all applicable federal, state or local laws, regulations, rules or ordinances.

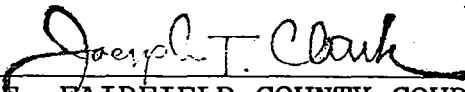
VII. RETENTION OF JURISDICTION

14. This Court will retain jurisdiction of this action for the purpose of making any order or decree which it deems appropriate to carry out this Consent Order.

VIII. TERMINATION

15. Upon full completion of all additional investigative work which is or may be required pursuant to Paragraphs 6, 7 or 10, this Consent Order shall terminate, and this Court shall dismiss this action with prejudice or provide for such other disposition of this case as the Court determines to be just, lawful and reasonable.

DATED Sept. 5, 1989



JUDGE, FAIRFIELD COUNTY COURT
OF COMMON PLEAS

Approved:

STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

By: Philip E. Haffenden
Philip E. Haffenden
Assistant Attorney General
Office of the Attorney General of Ohio
30 East Broad Street, 25th Floor
Columbus, Ohio 43266-0410

ANCHOR HOCKING CORPORATION

By: Lawrence R. Bartlett
Title: Assistant Secretary

JOHN E. SPIRES

By: Bradley Hummel
Bradley Hummel
Baker & Hostetler
65 E. State Street
Columbus, Ohio 43215

Attorney for John E. Spires

SCH/304

ATTACHMENT A

**ANCHOR HOCKING CORPORATION
403 S. EWING ST.
LANCASTER, OHIO**

Continuation of "Hydrogeologic Site Assessment", August, 1988, prepared by O'Brien & Gere Engineers, Inc.

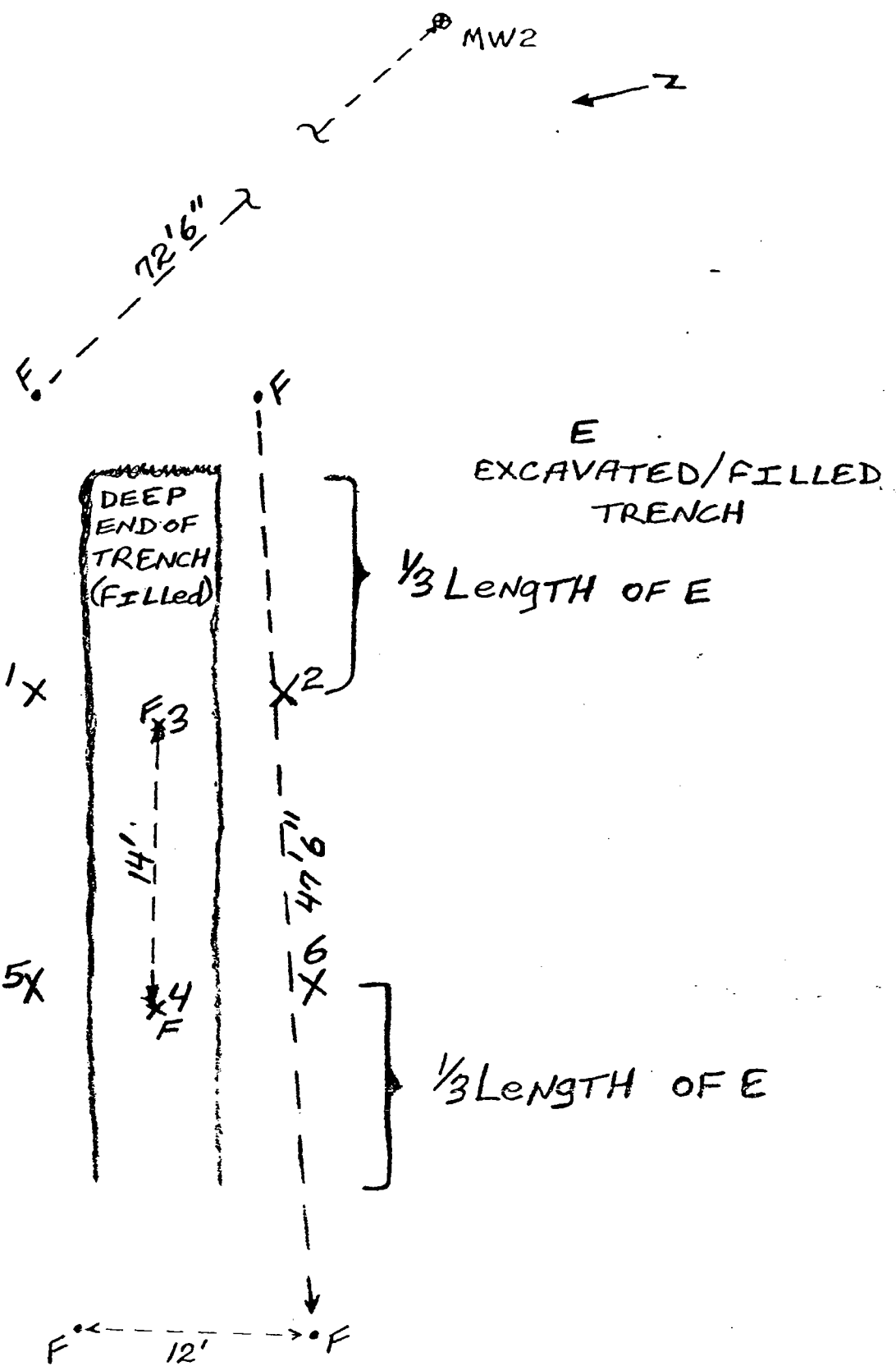
Two more ground water monitoring wells will be installed on-site to collect data pertaining to ground water flow direction, subsurface geologic conditions and ground water quality. One shallow well is to be placed at the midpoint of a line between existing wells MW4 and MW5 (Figure 2)*, with a screen length of ten feet at the water table. The second well is to be installed adjacent to MW2. The 10 foot screened interval for the second well shall be at a depth of from 25 to 35 feet. These wells are to be installed, developed and surveyed in a manner similar to the other wells installed at the site in May, 1988 (Sect. 2.02, p.3; Appendices A & B)*. Continuous split spoon sampling will be employed.

Two sets of ground water samples from the eight (8) wells will be obtained, each set to be separated timewise by 30 days. The same groundwater sampling protocol will be followed each time (Sect. 2.05, p.5; Appendix D)* with the analyses performed as before (Appendix E)*. Groundwater elevations at each well will also be measured. Note: MW7 and MW8 must be installed first.

In addition, soil sampling will be conducted along the perimeter of, and within the excavation of the waste material recovered from the site in 1986 at a location north of monitoring well MW2 (Figure 2)*, and as denoted on the attached maps and drawings which are

incorporated into this Attachment by reference. The soil samples will be collected for the purpose of determining contamination, as opposed to determining geologically different strata. Four (4) equally spaced cores around the perimeter, along with two (2) separated cores within the excavation, will be drilled at the locations identified on page 4 of this Attachment, and to a depth which reaches the saturation zone of the water table. Soil borings will be backfilled with a mixture of drill cuttings and dry bentonite. The supervising geologist will be responsible for retaining a representative portion of each soil sample and characterizing soil samples from each boring. The lithology will be logged. A minimum of three (3) soil samples shall be taken from each boring. A grab sample will be collected first for each sample for the purpose of analyzing for volatile organics. Each sample shall be collected continuously and composited for each five foot interval of each boring. If the depth to groundwater is less than fifteen (15) feet, the five foot intervals may be reduced proportionately, so long as three (3) samples are collected and each sample is continuously composited. Soil sample results shall be compared with background soil sample values, as established by sample results from a soil boring taken at "Background Soil Test B10", as designated on the attached map. Finally, samples shall be analyzed for the same parameters as previously noted for the groundwater samples. The analytical methods which will be used are referenced in the EPA publication - SW846, unless a different analytical method is submitted to Ohio EPA and approved before being used.

* Paranthetical Items refer to the "Hydorgeologic Site Assessment", August, 1988, prepared by O'Brien & Gere Engineers, Inc.



SCALE: 1" = 8.0'

6 SOIL BORINGS (1-6)
F = FLAG



4-10-86 PLANT 2 S W LOT
TRENCH LOCATION



4-10-86 PLANT 2 S W LOT
OEPA USING METAL DETECTOR TO LOOK FOR ADDITIONAL
BURIED CONTAINERS.

Table 2
Ground Water Quality Data

Parameter	MW 1		MW 2		MW 3	
	5/18-19/88	6/15/88	5/18-19/88	6/15/88	5/18-19/88	6/15/88
MBAS	0.10	0.01	0.15	0.01	0.18	0.01
Lead	0.05	0.05	0.05	0.05	0.05	0.05
Cadmium	0.01	0.01	0.01	0.01	0.01	0.01
Arsenic	0.005	0.005	0.005	0.005	0.005	0.005
Chromium	0.05	0.05	0.05	0.05	0.05	0.05
Nickel	0.05	0.05	0.05	0.05	0.05	0.05
Iron	0.17	0.06	1.5	4.8	0.62	0.48
Manganese	0.63	0.77	3.4	2.9	1.7	1.4
Sodium	150.0	92.0	100.0	82.0	78.0	87.0
Sulfate	45.0	75.0	330.0	270.0	170.0	170.0
Chloride	190.0	150.0	32.0	32.0	48.0	47.0
Calcium	100.0	120.0	207.0	210.0	140.0	130.0
Cyanide	0.01	0.01	0.01	0.01	0.01	0.01
Nitrite, Nitrate Nitrogen	0.39	0.01	0.29	0.01	0.01	0.01
Ammonia Nitrogen	7.3	0.29	3.8	2.7	2.8	2.4
Phenol	0.002	0.001	0.008	0.005	0.003	0.001

* Units are mg/l

VCL	0.1	0.1	2	2	0.1	0.1
T-1,2-D	0.1	0.1	27	34	0.1	0.1
1,2-DCA	2	0.1	0.1	0.1	0.1	0.1
TCE	0.1	0.1	7	16	0.1	0.1
PCB	0.1	0.1	0.1	0.1	0.7	0.1

** Units are ug/l

Key:

VCL Vinyl Chloride
 T-1,2-D t-1,2-Dichloroethane
 1,2-DCA 1,2-Dichloroethane
 TCE Trichloroethene

Table 2 (Continued)
Ground Water Quality Data

Parameter	MW 4		MW 5		MW 6	
	5/18-19/88	6/15/88	5/18-19/88	6/15/88	5/18-19/88	6/15/88
MBAS	0.11	0.01	0.10	0.01	0.12	0.01
Lead	0.05	0.05	0.05	0.05	0.05	0.05
Cadmium	0.01	0.01	0.01	0.01	0.01	0.01
Arsenic	0.014	0.005	0.005	0.005	0.005	0.005
Chromium	0.05	0.05	0.05	0.05	0.05	0.05
Nickel	0.05	0.05	0.05	0.05	0.05	0.05
Iron	0.67	2.9	0.15	1.8	0.37	1.6
Manganese	0.16	0.18	0.12	0.13	0.12	0.09
Sodium	43.0	42.0	48.0	48.0	40.0	35.0
Sulfate	73.0	87.0	63.0	79.0	68.0	82.0
Chloride	32.0	34.0	21.0	23.0	29.0	24.0
Calcium	89.0	110.0	84.0	88.0	110.0	100.0
Cyanide	0.01	0.01	0.01	0.01	0.01	0.01
Nitrite, Nitrate Nitrogen	0.19	0.01	0.19	0.01	0.01	0.01
Ammonia Nitrogen	0.43	0.90	0.22	1.0	0.54	0.39
Phenol	0.002	0.001	0.001	0.001	0.002	0.001

* Units are mg/l

VCL	0.1	0.1	0.1	0.1	0.1	0.1
T-1,2-D	0.1	0.1	0.1	0.1	0.1	0.1
1,2-DCA	0.1	0.1	0.1	0.1	0.1	0.1
TCE	0.1	0.1	0.1	0.1	0.1	0.1
PCB	0.1	0.1	0.1	0.1	0.1	0.1

** Units are ug/l

- vcl Vinyl Chloride
- T-1,2-D t-1,2-Dichloroethane
- 1,2-DCA 1,2-Dichloroethane
- TCE Trichloroethene