

IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO

STATE OF OHIO, <i>ex rel.</i>	:	CASE NO. 89-CV-1174
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE JOSEPH KAINRAD
	:	
<i>Plaintiff,</i>	:	
	:	
<i>vs.</i>	:	
	:	
CAL KOTE, INC., <i>et al.,</i>	:	
	:	
<i>Defendants.</i>	:	
	:	

FILED
 PORTAGE COUNTY
 OHIO
 JAN 1 9 37 AM '88

CONSENT ORDER BETWEEN THE STATE OF OHIO
AND DEFENDANTS T-KOTE, INC. AND
THOMAS M. WARREN

The Plaintiff, State of Ohio, ex rel. Anthony J. Celebrezze, Jr., Attorney General of Ohio ("State" or "Plaintiff"), having filed the Complaint in this action against Defendants Cal Kote, Inc., T-Kote, Inc., Paul Bosley III, Thomas M. Warren, Matt Nemecek, Noel Barber, and The Centennial Company, to enforce the State of Ohio's water pollution control and nuisance laws and the rules promulgated thereunder concerning the Defendants' waste handling and disposal practices at the Defendants' facility located at 1095 West Main Street, Kent, Ohio (hereinafter the "facility"), and Plaintiff and Defendants T-Kote, Inc. and Thomas M. Warren having consented to entry of this Order;

Therefore, without trial or admission of any issue of law or of fact, and upon the consent of the Plaintiff and Defendants T-Kote, Inc. and Thomas M. Warren hereto, it is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:



T-Kote, Inc. and Thomas M. Warren are also permanently enjoined and ordered to refrain from discharging "industrial waste" or "other wastes" into "waters of the state", as those terms are defined in ORC Section 6111.01, unless the discharging is conducted in accordance with the terms of a permit issued by the Director of Environmental Protection pursuant to ORC Chapter 6111.

This injunction shall not be construed as an injunction for removal, remedial or corrective action, monitoring or testing of any soil or groundwater contamination in the vicinity of the 1095 West Main Street, Kent, Ohio facility or anywhere else.

V. CIVIL PENALTY

It is hereby ordered that Defendants T-Kote, Inc. and Thomas M. Warren shall pay a civil penalty, pursuant to ORC Section 6111.09, of two thousand five hundred dollars (\$2,500.00). This civil penalty shall be paid by checks made payable to "Treasurer, State of Ohio," which checks shall be delivered by mail, or otherwise, to Shane A. Farolino, Assistant Attorney General, Office of the Attorney General, Environmental Enforcement Section, State Office Tower, 30 East Broad Street - 25th Floor, Columbus, Ohio 43266-0410. This penalty shall be paid in eleven initial consecutive monthly installments of two hundred and nine dollars (\$209.00) and one final consecutive monthly payment of two hundred and one dollars (\$201.00) with the first payment being due within thirty (30) days of the Court's entry of this Consent Order.

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VI. RETENTION OF JURISDICTION

The Court will retain jurisdiction of this action for the purpose of overseeing that Defendants T-Kote, Inc. and Thomas M. Warren carry out the terms and conditions of this Consent Order and comply with ORC Chapters 6111. and 3767. and the rules adopted thereunder.

VII. COURT COSTS

Defendants T-Kote, Inc. and Thomas M. Warren shall pay one fourth (1/4) of the court costs incurred as of the date of the entry of this Consent Order.

ENTERED THIS _____ DAY OF _____, 1990.

Joseph A. Kainrad

JUDGE JOSEPH KAINRAD
Court of Common Pleas
Portage County, Ohio

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

Thomas J. Sicuro

THOMAS J. SICURO
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Ravenna, Ohio 44266

Counsel for Defendants
T-Kote, Inc. and Thomas M. Warren

Thomas M. Warren

THOMAS M. WARREN
Individually and on behalf
of T-Kote, Inc., as its President

Shane A. Farolino

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