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ENVIRONMENTAL  
ENFORCEMENT

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IN THE COURT OF COMMON PLEAS  
FAIRFIELD COUNTY, OHIO

PATRICIA B. ANDERS  
CLERK OF COURTS  
FAIRFIELD CO., OHIO

STATE OF OHIO, ex rel.	:	
LEE FISHER	:	CASE 88-CVFB-0057
ATTORNEY GENERAL OF OHIO,	:	
	:	JUDGE JOHN C. MARTIN
Plaintiff,	:	
	:	
vs.	:	<u>CONSENT ORDER</u>
	:	
CITY OF LANCASTER, et al.,	:	
	:	
Defendants.	:	

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Lee Fisher (hereinafter "Plaintiff") and Defendant Anchor Hocking Corporation (hereinafter "Anchor Hocking") having consented to the entry of this Order,

NOW THEREFORE, without 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, and upon consent of Plaintiff and Anchor Hocking, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over Anchor Hocking and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Anchor Hocking under Chapter 6111 of the Ohio Revised Code, and venue is proper in this Court.

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon Plaintiff (including the Director of Environmental Protection) and Anchor Hocking, their respective agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Anchor Hocking has operated its facility at 1115 West Fifth Avenue, Lancaster, Ohio ("Plant No. 1") in such a manner as to result in violation of the water pollution laws of the State of Ohio. Anchor Hocking denies each and every allegation of the Plaintiff. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Anchor Hocking for all claims alleged in the Complaint. 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 for violations which occur after the date of this Consent Order.

IV. INJUNCTION

4. Anchor Hocking is enjoined to comply with the requirements of Chapter 6111 of the Ohio Revised Code and the rules and regulations adopted under that Chapter, including, but not limited to, O.A.C. Rule 3745-3-04 [prohibited discharges].

5. Anchor Hocking is enjoined to comply with the laws and regulations of the City of Lancaster governing pretreatment of discharges of wastewater into the Lancaster publicly owned treatment works ("Lancaster POTW") and the sewers and conveyance appurtenances discharging thereto, including but not necessarily limited to chapter 916 of the Codified Ordinances of the City of Lancaster. Anchor Hocking shall comply with any permit and renewal or modification thereof issued to Anchor Hocking by the City of Lancaster governing the discharge of wastewater into the Lancaster POTW and the sewers and conveyances appurtenances discharging thereto. Nothing in this Consent Order shall prevent Anchor Hocking from asserting any claims, defenses, or causes of action which it may have respecting the lawfulness or reasonableness of any laws or regulations of the City of Lancaster or any permit (or renewal or modification thereof) issued to Anchor Hocking and governing the discharge of wastewater into the Lancaster POTW and the sewers and conveyances appurtenant thereto.

6. Anchor Hocking shall properly operate and maintain its wastewater treatment plants and any associated equipment and structures.

V. MAP

7. Within thirty (30) days of entry of this Consent Order, Anchor Hocking shall submit to Ohio EPA a detailed map of the sanitary and storm water collection system connected to or in the immediate vicinity of Plant No. 1. The map shall

locate and identify all sanitary sewers, storm sewers, final outfalls to sanitary and storm sewers and surface waters, streets, taps from Plant No. 1, and manhole covers known to Anchor Hocking. The map shall indicate the size of all sewers.

VI. BEST MANAGEMENT PRACTICE PLAN

8. (a) Within 45 days of entry of this Consent Order Anchor Hocking shall sample its wastewater discharge to the City of Lancaster POTW in order to determine whether such wastewater contains antimony and should be reported as a constituent on Anchor Hocking's submittal of EPA Form 9350-1 (Form R, "Toxic Chemical Release Inventory Reporting Form"), Part III, Section 6.1.1 for 1991). Sampling for antimony at Plant No. 1 shall be conducted in accordance with the following procedure: three rounds of composite samples analyzed by furnace atomic absorption. The results of this sampling shall be provided to Ohio EPA. The Spill Prevention Control and Countermeasures (SPCC) Plan for Plant No. 1 shall continue to be implemented and followed. If the SPCC Plan is modified as part of the development of the BMP plan pursuant to paragraph 8(b) it shall be implemented and followed as modified.

(b) If the sampling conducted in accordance with paragraph 8(a) above shows the presence of authority which should be reported as a constituent of Anchor Hocking's wastewater discharges to the City of Lancaster POTW, then Anchor Hocking shall prepare a "Best Management Practices"

("BMP") Plan, in accordance with USEPA's "NPDES Best Management Practices Guidance Document" (USEPA, June 1981), for minimizing discharges of antimony to the City of Lancaster POTW. The BMP plan shall be submitted to Ohio EPA within ninety days after receipt by Anchor Hocking of the sample results.

(c) Anchor Hocking shall implement the Best Management Practices Plan as approved by Ohio EPA.

#### VII. PAYMENT

9. Anchor Hocking shall, pursuant to R.C. Section 6111.09, pay to the State of Ohio the sum of Nine Thousand Five Hundred Dollars (\$9,500.00). This sum shall be paid by delivering to Janis Miller, Administrative Assistant, Environmental Enforcement Section, 25th Floor, 30 East Broad Street, Columbus, Ohio 43266-0410, a certified check for that amount, payable to the order of "Treasurer, State of Ohio" within forty-five (45) days from the date of entry of this Consent Order. The foregoing payment shall be in full settlement and satisfaction of all claims against Anchor Hocking by Plaintiff, pursuant to Section 6111.09, Ohio Revised Code, for all fines, penalties and otherwise arising out of the allegations set forth in its Complaint.

#### VIII. RETENTION OF JURISDICTION

10. The 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.

IX. COSTS

11. Anchor Hocking shall pay a pro rata share of the Court costs of this action, which pro rata share shall be calculated based upon the number of pages of pleadings and papers which relate to the claims asserted by the Plaintiff against Anchor Hocking.

X. TERMINATION

12. No earlier than one (1) year from the date of the Court's approval of this Consent Order, but in no event before Anchor Hocking has performed the requirements of paragraphs 7, 8 and 9 of this Consent Order, the Defendant may move the Court, pursuant to Rule 60(B) of the Ohio Rules of Civil Procedure to terminate this Consent Order. The Plaintiff takes no position as to such motion and expressly reserves the right to oppose any motion made to terminate this Consent Order.

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Date

John D. Martin  
JUDGE JOHN D. MARTIN

APPROVED:

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

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