

IN THE COURT OF COMMON PLEAS
FULTON COUNTY, OHIO

FILED
FULTON COUNTY
COMMON PLEAS COURT
08 JAN -9 AM 10:51

STATE OF OHIO, ex rel. : CASE NO.
ANTHONY J. CELEBREZZE, JR. : 91CV7
ATTORNEY GENERAL OF OHIO, : JUDGE
Plaintiff, :
vs. :
HANDY & HARMAN AUTOMOTIVE :
GROUP, INC. :
Defendant. :

MARY GYDE

CONSENT ORDER

The State of Ohio by its Attorney General Anthony J. Celebrezze, Jr., at the written request of the Director of Environmental Protection, has filed the instant action against Handy & Harman Automotive Group, Inc. for violations of Ohio Revised Code ("R.C.") Chapters 3704, 3734, 6111 and the rules promulgated thereunder. The parties have reached agreement on the terms of permanent injunctive relief and civil penalties.

Therefore, without trial of any issue of law or fact, and upon consent of the parties, it is hereby ADJUDGED, ORDERED and DECREED as follows:

I. DEFINITIONS

1. As used in this Order, the following terms are defined as follows:

A. "Ohio EPA" or "OEPA" means the Ohio Environmental

Protection Agency.

B. "NWDO" means the Northwest District Office of the OEPA.

C. "OAC" means Ohio Administrative Code.

D. "Facility" means the property of Handy & Harman Automotive Group, Inc. located at 1264 State Route 66, Archbold, Ohio 43502.

E. "Site" means the Facility and any other area contaminated or threatened to be contaminated by waste from the Facility, but excludes the hazardous waste storage unit and hazardous waste land disposal unit which are closed pursuant to Section VII of this Order.

F. "Air Contaminant Source" has the same meaning as found in OAC 3745-31-01(D).

G. "PTI" means a permit to install issued pursuant to OAC 3745-31-02 et seq.

H. "PTO" means a permit to operate issued pursuant to OAC 3745-35-02 et seq.

I. "RI/FS" means Remedial Investigation/Feasibility Study.

J. "SOW" means Statement of Work.

K. "RD/RA" means Remedial Design/Remedial Action.

L. "Day" means calendar days unless specified otherwise.

II. JURISDICTION AND VENUE

2. The Court has jurisdiction over the parties and the

subject matter of this case. Venue is proper in this Court.

III. PERSONS BOUND

3. The provisions of this Consent Order shall apply to and be binding upon the Defendant, its officers, agents, servants, employees, successors and assigns.

4. The Defendant shall provide a copy of this Consent Order to each contractor employed to perform the work itemized herein, and each general contractor shall provide a copy of this Order to each of its subcontractors for such work.

IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

5. Except as provided otherwise in this Order, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant for the claims alleged in the State's Complaint arising prior to the date of this Consent Order.

6. This Consent Order shall not be construed to limit the authority of the State to seek relief for claims or conditions not alleged in the Complaint, including claims for natural resource damages. This Order shall not bar the State from bringing any action against Defendant for any violations or conditions which occur after the date this Order is entered into.

7. Nothing in this Order shall be construed to limit the

authority of the State to undertake any action against any entity, including Defendant, to eliminate or mitigate conditions which may present an imminent endangerment to the public health, welfare or environment. Nothing in this Order shall be construed to limit the authority of the State to seek relief for claims for damages to natural resources.

8. Nothing in this Order shall relieve Defendant of its obligation to comply with applicable federal, state or local statutes, regulations, or ordinances.

9. In the event of disapproval of any second submittal under Section VIII or any noncompliance with the terms of this Consent Order, the State reserves the right to conduct remedial or cleanup work at the Site and/or the hazardous waste units identified in Attachment 1, and to recover the costs of such work from the Defendant.

V. PERMANENT INJUNCTION FOR CESSATION
OF AIR VIOLATIONS

10. Defendant is hereby permanently enjoined from modifying or installing any air contaminant source without obtaining a PTI prior to commencement of such proposed modification or installation. The Defendant is hereby permanently enjoined to comply with OAC Chapter 3745-35. The Defendant is hereby enjoined to obtain renewal permits in a timely manner for any PTO's which expire.

11. The Defendant is hereby permanently enjoined to fully

comply with all applicable statutes and regulations regarding the air contaminant sources at the Facility, including but not limited to R.C. Chapter 3704 and the regulations promulgated thereunder.

12. The Defendant is hereby permanently enjoined to fully comply with all air PTI's and PTO's issued to the Defendant by Ohio EPA, including any and all terms and conditions associated with those permits.

**VI. PERMANENT INJUNCTION FOR CESSATION
OF WASTEWATER VIOLATIONS**

13. The Defendant is hereby permanently enjoined from installing or modifying any wastewater disposal system without first obtaining a PTI. Except in accordance with an effective permit issued by the Director of Ohio EPA, the Defendant is hereby permanently enjoined from placing pollutants in waters of the State as prohibited by R.C. Chapter 6111 and rules promulgated thereunder.

14. Except as otherwise provided herein, the Defendant is hereby permanently enjoined to fully comply with all applicable statutes and regulations regarding wastewater disposal, including but not limited to R.C. Chapter 6111 and the regulations promulgated thereunder. The Defendant is permanently enjoined to fully comply with all wastewater PTI's issued by the Ohio EPA, including any terms and conditions associated with those PTI's.

15. Within 30 days of the entry of this Order, Defendant shall submit to Ohio EPA complete and approvable PTI applications, including approvable detail plans for wastewater treatment facilities necessary to comply with applicable indirect discharge limitations into Archbold's sanitary sewer system.

16. Within 4 months of the entry of this Order, Defendant shall initiate on-site construction of the wastewater treatment facilities in accordance with the approved PTI, including any schedules or conditions attached to the approval. Within 6 months of the entry of this Order, Defendant shall complete construction of the wastewater treatment facilities in accordance with the approved PTI. Upon completion of construction of the wastewater treatment facilities, Defendant shall maintain compliance with OAC 3745-3-12 (Ohio categorical pretreatment standards for metal finishing). Defendant shall at all times properly operate and maintain the treatment facilities. Defendant shall comply with the applicable indirect discharge limitations.

17. Within 6 months of the entry of this Order, Defendant shall properly abandon its existing sanitary treatment facilities to the satisfaction of the Director of Ohio EPA and shall connect its sanitary sewers with the Archbold sanitary sewer system.

18. Within 30 days of the entry of this Order, Defendant shall submit to Ohio EPA an approvable indirect discharge

permit application in accordance with OAC 3745-36-04.

Defendant is hereby permanently enjoined to fully comply with any indirect discharge permits issued to Defendant by Ohio EPA, including any and all terms and conditions associated with the permits.

19. Within 4 months of the entry of this Order, Defendant shall submit to Ohio EPA an approvable Best Management Practices Plan and shall implement such Plan in order to take all reasonable actions to minimize or prevent any unauthorized discharge of pollutants from non-process sources into waters of the State.

VII. PERMANENT INJUNCTION TO COMPLY WITH HAZARDOUS WASTE STATUTES AND REGULATIONS

20. Within 30 days of the entry of this Order, the Defendant is hereby enjoined to submit an approvable closure plan(s) in accordance with OAC 3745-66-10 through 3745-66-20 for the hazardous waste storage unit, the hazardous waste land disposal unit (both of which are identified in Attachment 1) and the evaporator furnace treatment unit. This closure plan is subject to the approval of the Director of Ohio EPA. If the Director of Ohio EPA does not approve the closure plan(s) submitted by Defendant and provides Defendant with a written notice of deficiencies in the closure plan(s), Defendant is enjoined to resubmit the deficient portion(s) within 30 days of receiving the notice of deficiency. If the Director

modifies the closure plan(s), this modified plan(s) becomes the approved closure plan(s).

21. Upon approval by Ohio EPA of Defendant's closure plan, the Defendant is enjoined to implement the approved closure plan(s) in the manner and pursuant to the time frames set forth in the approved closure plans and any conditions attached to the approvals, including certification pursuant to OAC 3745-66-15.

22. Defendant is permanently enjoined to fully comply with Ohio's requirements for providing the following for the storage, disposal and treatment units: an estimate of the cost of closure, financial assurance for closure and, as applicable, post-closure requirements, as set forth in OAC 3745-66-42 through 3745-66-47. Defendant shall submit documentation of its compliance with this paragraph within 30 days of the entry of this Order.

23. Defendant is permanently enjoined to submit Facility Annual Hazardous Waste Reports for the years 1988 and 1989 within 30 days of the entry of this Consent Order and to continue to submit Facility Annual Hazardous Waste Reports in accordance with OAC 3745-65-75 until certification of closure of the treatment, storage and disposal units in accordance with OAC 3745-66-15.

24. Defendant is hereby permanently enjoined to comply with OAC 3745-52-11. Within 60 days of the entry of this Order Defendant is enjoined to submit to Ohio EPA for approval

a written waste evaluation plan, which shall be sufficient for Defendants to achieve compliance with OAC 3745-52-11. The plan shall include at least the following: a description of each waste stream generated at the Facility and the basis for its evaluation as a hazardous or non-hazardous waste, including analytical parameters and the rationale for selection of the parameters, sampling methods, analytical methods, frequency of analysis, and copies of past analyses. The plan shall also include the analysis of steam clean waste and terne metal fume scrubber waste for EP toxic metals and solvents, the analysis of any new waste to fully characterize the waste, and a description of the evaluation of steam clean waste including the detection limit for 1,1,1-trichloroethane and the frequency of sampling and analysis. For a period of 2 years following the entry of this Order, Defendant shall implement the approved plan in accordance with any schedule which is in the approved plan or attached to the approval.

25. Defendant is permanently enjoined to comply with the personnel training requirements as set forth in OAC 3745-65-16. Within 60 days of the entry of this Order, Defendant shall revise and implement its personnel training program to include at least the following:

- 1) identification of all hazardous wastes generated in the plant;
- 2) proper hazardous waste drum and tank labeling;

- 3) proper drum and tank storage practices;
- 4) proper use of the hazardous waste manifest;
- 5) proper operation of the solvent recovery still;
- 6) evaluation of spilled material;
- 7) proper satellite storage practices; and
- 8) job titles, job descriptions, and record of the type, date and amount of hazardous waste management training received by each worker that manages, generates or is otherwise involved with hazardous waste at the Facility.

Defendant shall submit documentation of compliance with the above within 60 days of the entry of this Order.

26. Defendant shall maintain an operating record for the Facility in accordance with OAC 3745-65-73 until certification of closure of the treatment, storage and disposal units in accordance with OAC 3745-66-15, or for a period of 2 years following the entry of this Order, whichever is longer. Defendant shall include all applicable EPA hazardous waste identification numbers in the operating record and shall ensure that all items in the column designated "other" are properly marked as raw material, hazardous waste, or non-hazardous waste. Within 45 days of the entry of this Order, Defendant shall submit to Ohio EPA documentation of compliance with this paragraph.

27. Defendant is enjoined to comply with OAC 3745-65-15 until certification of closure of the treatment, storage and

disposal units in accordance with OAC 3745-66-15. Within 45 days of the entry of this Order, Defendant shall revise and implement its inspection plan to include at least the following:

- 1) inspections of all accumulation areas, including satellite accumulation areas; and
- 2) inspections of the steam cleaning hazardous waste tank in accordance with OAC 3745-66-93(F) and 3745-66-95.

Defendant shall submit documentation of compliance with this paragraph to Ohio EPA within 45 days of the entry of this Order.

28. Defendant is permanently enjoined to comply with OAC 3745-65-50 through 3745-65-56. Within 45 days of the entry of this Order, Defendant shall revise its contingency plan to include at least the following:

- 1) written arrangements or agreements with local or state emergency authorities;
- 2) the home address of all emergency coordinators;
- 3) the location of all fire extinguishers;
- 4) a list of all emergency equipment and a description of its capability location; and
- 5) a detailed description of OAC 3745-65-56.

Within 30 days of the entry of this Order, Defendant shall

ensure that each emergency coordinator for the Facility meets the requirements of OAC 3745-65-55. Within 45 days of the entry of this Order, Defendant shall submit documentation of its compliance with this Order to Ohio EPA.

29. Defendant shall comply with OAC 3745-65-14 (security) until certification of closure of the treatment, storage and disposal units in accordance with OAC 3745-66-15.

30. Defendant is permanently enjoined to comply with the OAC 3745-52-34. Defendant shall label the hazardous waste tank with the words "Hazardous Waste" and, within 30 days of entry of this Order, shall submit documentation of compliance with the above to Ohio EPA.

31. Defendant is permanently enjoined to comply with OAC 3745-65-90 through 3745-65-94.

32. Defendant is enjoined to comply with OAC 3745-66-92 through 3745-66-99. Defendant shall immediately cease the use of the steam clean hazardous waste tank until compliance with OAC 3745-66-92 through 3745-66-99 has been achieved and documentation of compliance with said rules, including but not limited to a written assessment and certification pursuant to OAC 3745-66-92(A) and (G), respectively, has been submitted to Ohio EPA. Within 90 days of entry of this Consent Order, Defendant shall submit documentation of compliance with the above order to cease the use of the hazardous waste tank and shall submit an outline, including a schedule, of the actions

to be taken by Defendant to achieve compliance with OAC 3745-66-92 through 3745-66-99.

33. If the Defendant opts to not achieve compliance with OAC 3745-66-92 through 3745-66-99, then Defendant shall, for the steam clean hazardous waste tank, comply with all applicable requirements of OAC 3745-66-97, except paragraph (C), and OAC 3745-66-11 and 3745-66-14, and shall submit documentation of compliance with said rules, within 90 days of entry of this Consent Order.

34. Defendant is permanently enjoined to fully comply with all applicable Ohio hazardous waste laws and regulations, including R.C. Chapter 3734 and OAC 3745-50 through 3745-69.

VIII. PERMANENT INJUNCTION FOR REMEDIAL ACTION

35. All submittals required under this Order shall be developed in accordance with the National Contingency Plan, 40 C.F.R. Sections 300 et seq., as amended, and the most current version of the following U.S. EPA guidance documents:

1. Guidance for Conducting Remedial Investigation and Feasibility Studies under CERCLA, OSWER 9355.3-01 October, 1988;
2. Risk Assessment Guidance for Superfund, Volume 1 - Human Health Evaluation Manual (Part A), Interim Final, EPA/540/1-89/002, December, 1989;
3. Superfund Exposure Assessment Manual, OSWER 9285.5-1, EPA/540/1-88/001, April, 1985;
4. RCRA Groundwater Monitoring Technical

Enforcement Guidance Document (TEGD), OSWER 9950.0, September, 1986;

5. Remedial Actions for Contaminated Groundwater at Superfund Sites, OSWER 9283.1-2, August, 1988;
6. Data Quality Objectives for Remedial Response Activities, Volume I EPA/540/G-87/004 Example Scenario;
7. Superfund Remedial Design and Remedial Action Guidance, OSWER 9355.0-4A;
8. Ecological Assessments of Hazardous Waste Sites: A Field and Laboratory Reference, EPA/600/3-89/013, March, 1989;
9. Toxicology Handbook, U.S. EPA, August, 1985;
10. Guidelines and Specifications for Preparing Quality Assurance Project Plans, Ohio EPA, February 1990;
11. CERCLA Compliance with Other Laws Manual, OSWER 9234.1-01, March 6, 1988;
12. Preparation of Federal Lead Remedial Investigation Quality Assurance Project Plans for Region V, December 20, 1985;
13. Interim Guidance on Superfund Selection of Remedy, J. Winston Porter, December 24, 1986;

36. Within 30 days of the entry of this Order, Defendant shall submit to Ohio EPA for approval a Remedial Investigation (RI) Work Plan for the Site which conforms to the generic RI/FS Statement of Work (SOW) (Attachment 2).

37. Within 30 days of the entry of this Order, Defendant shall submit to Ohio EPA for approval a description of the current conditions of the Site, as required by Task 1 of the SOW.

38. Within 30 days of the entry of this Order, Defendant shall submit to Ohio EPA for approval a report on the pre-investigation evaluation of remedial technologies for the Site, as required by Task 2 of the SOW.

39. Within 10 days of approval by Ohio EPA of the RI Work Plan, Defendants shall implement the RI Work Plan as approved.

40. Within 180 days of Ohio EPA approval of the RI Work Plan, Defendant shall submit to Ohio EPA for comment and/or approval a draft RI Report.

41. Within 60 days of receipt of Ohio EPA's comments on the draft RI Report, Defendant shall submit to Ohio EPA for approval a Final RI Report and a report on the results of the laboratory and bench scale studies if appropriate.

42. Within 30 days of Ohio EPA approval of the Final RI Report, Defendant shall submit to Ohio EPA for approval a Site specific statement of purpose and a revised description of the current situation based on the results of the RI conducted for the Site.

43. Within 30 days of Ohio EPA approval of the Final RI Report, Defendants shall submit to Ohio EPA for approval a Feasibility Study (FS) Work Plan for the Site which conforms to the requirements in the RI/FS SOW.

44. Within 60 days of Ohio EPA approval of the FS Work Plan, Defendants shall submit to Ohio EPA for approval a draft FS Report for the Site.

45. Within 14 days of Ohio EPA approval of the draft FS

Report, Defendant shall submit to Ohio EPA for approval a final FS Report.

46. Within 60 days of Ohio EPA's selection of the remedial action to be performed at the Site, Defendant shall submit a Remedial Design/Remedial Action (RD/RA) Work Plan for the Site, which includes but is not limited to those elements contained in the generic RD/RA Statement of Work (Attachment 3). The RD/RA Work Plan shall also include a) a schedule of remediation, including but not limited to a schedule for any necessary construction; and b) a long term operation and maintenance plan.

47. At the same time the Defendant submits the RD/RA Work Plan, Defendant shall submit to Ohio EPA for approval a closure plan for any additional areas discovered during the RI where hazardous wastes were treated, stored or disposed of in a post-1980 RCRA regulated unit. The closure plan shall be subject to the approval of the Director of Ohio EPA and shall conform to OAC 3745-66-10 through 3745-66-20. If the Director of Ohio EPA does not approve the closure plan(s) submitted by Defendant and provides Defendant with a written notice of deficiencies in the closure plan(s), Defendant is enjoined to resubmit the deficient portion(s) within 30 days of receiving the notice of deficiency. If the Director modifies the closure plan(s), modified plan(s) becomes the approved closure plan(s).

48. Upon approval by the Director of Ohio EPA of Defendant's closure plan submitted pursuant to the preceding

paragraph, Defendant shall implement the approved closure plan in the manner and pursuant to the time frames set forth in the approved closure plan and any conditions attached to the approval, including certification pursuant to OAC 3745-66-15.

49. Within 10 days of Ohio EPA approval of the RD/RA Work Plan, Defendant shall implement the work in accordance with the approved RD/RA Work Plan.

50. Within 45 days of completion of work of the RD/RA Work Plan, Defendant shall submit to Ohio EPA for approval a report of the results.

51. If Ohio EPA disapproves part or all of any submittal, Defendant shall resubmit the disapproved portion to Ohio EPA in approvable form with 14 days of Ohio EPA's disapproval letter unless Ohio EPA specifies a different period of time in that letter. Ohio EPA may impose terms and conditions upon any approval. This paragraph does not apply to any closure plan submitted pursuant to Paragraph 47.

IX. PROJECT COORDINATOR

52. Within 10 days of the entry of this Order, Defendant shall designate a project coordinator to oversee the work under Section VIII and to coordinate with the Ohio EPA project coordinator. To the maximum extent practicable, communications between Defendant and Ohio EPA concerning the activities performed under Section VIII shall be through the project coordinators.

Without limiting any authority conferred by law on Ohio EPA, the authority of the Ohio EPA project coordinator includes, but is not limited to:

- A. Taking samples and in accordance with the terms of the Work Plan and required under Part VIII, directing the type, quantity and location of samples to be taken by the Defendant;
- B. Observing, taking photographs and making such other reports on the progress of the work as the Ohio EPA deems appropriate;
- C. Directing that work stop whenever Ohio EPA determines that activities at the Site may present an imminent and substantial danger to the public health, welfare or environment; and
- D. Reviewing records, files and documents relevant to this Order.

53. Defendant may change its project coordinator by notifying Ohio EPA in writing within 7 days of the change.

X. SAMPLING AND DOCUMENT AVAILABILITY

54. Defendant shall make available to OEPA the results of sampling, tests or other data, including raw data, generated by Defendant or on its behalf in relation to work conducted under this Order. Defendant shall allow split or duplicate samples to be taken by the OEPA of samples collected by the Defendant. The Defendant shall notify the OEPA Project Coordinator not less than 30 working days (unless otherwise

agreed between the Project Coordinators) in advance of any sample collection.

55. Defendant shall preserve during the pendency of this Order, and for a minimum of 10 years after its termination, copies of all records and documents within its possession or that of its divisions, employees, agents, accountants, contractors or attorneys which relate to work performed under this Order. After the 10 year period, Defendant shall notify OEPA within 30 days prior to the destruction of any such documents required to be kept pursuant to this Part. Upon request by OEPA, Defendant shall make available to OEPA such records or copies of any such records.

56. Defendant shall submit all raw data and all original reports of analytical procedures and results to OEPA within 10 business days after Defendant receives such raw data and reports from each laboratory involved in the analyses of any samples collected at or near the site.

57. Defendant shall submit to OEPA any interpretive reports and written explanations concerning such raw data and original laboratory reports. Such interpretive reports or explanations must be submitted with the original laboratory reports and raw data.

58. No documents or information gathered or generated by Defendant, its agents, employees, representatives or contractors performing any activity pursuant to or connected with this Order constitutes work product. Nor is any such

document or information protected by attorney client privilege, nor is it otherwise privileged or confidential. Except as provided above, this Section shall not constitute a waiver of any privilege by Defendant and nothing herein shall prevent Defendant from having privileged communications with its attorneys or to prevent its attorneys from creating protectable work product material.

XI. DEED NOTICE, LAND USE AND CONVEYANCE OF TITLE

59. No portion of the Site shall be used in any manner which could adversely affect the integrity of any system installed pursuant to this Order. Defendant shall not convey any title, easement or other interest without provision for continued operation and maintenance of any system installed pursuant to Section VIII of this Order. Defendant shall notify OEPA by registered mail at least 90 calendar days prior to any conveyance or an intent to convey any interest in the Site or system, or, if Defendant does not have 90 calendar days notice of any intent to convey such an interest, the State shall be given notice as soon as possible but prior to any such conveyance.

XII. INDEMNITY

60. Defendant agrees to indemnify, save and hold harmless OEPA from any and all claims or causes of action arising from, or on account of, acts or omissions of the Defendant, its

officers, employees, receivers, trustees, agents, or assigns, in carrying out any activities pursuant to this Order. OEPA shall not be considered a party to and shall not be held liable under any contract entered into by the Defendant in carrying out the activities pursuant to this Order. Consistent with federal, state, and common law, nothing in this Order shall render Defendant liable for any negligent act or omission of OEPA.

61. Defendant shall provide notice to OEPA within 30 days of receipt of any claim which may be the subject of the indemnity in the preceding paragraph, and to cooperate in the defense of any such claim or action against OEPA.

XIII. REIMBURSEMENT OF COSTS

62. Defendant shall reimburse OEPA for all costs incurred by OEPA in connection with this Section VIII of this Order. Within 60 days of the end of each calendar year, OEPA may submit to the Defendant itemized statements of costs of the OEPA for the previous year. Within 60 days of receipt of the itemized statements, the Defendant shall pay the OEPA costs. Payment shall be made to the Hazardous Waste Cleanup Fund created by R.C. 3734.28 by check payable to "Treasurer, State of Ohio" and shall be forwarded to Bill Hayes (or his successor) at Ohio EPA, Legal Section, P. O. Box 1049, 1800 WaterMark Drive, Columbus, OH 43266-0149.

XIV. INSPECTIONS AND ACCESS

63. OEPA, its employees and agents shall have full access to the Site at all times without the need for any type of warrant for inspection and/or sampling. Nothing herein shall limit the State statutory authority to inspect and/or sample.

64. To the extent that portion of the Site or areas where work is to be performed are owned by parties other than Defendant, Defendant shall use its best efforts to obtain voluntary access agreements from the owners, including any agreements necessary to provide access to OEPA and its authorized representatives.

XV. PROTECTION OF HEALTH AND ENVIRONMENT

65. If the remedial action results in any hazardous waste, pollutants or contaminants remaining at the Site, Ohio EPA may review the remedial action at least once every five years after the initiation of the remedial action to assure that it protects human health and the environment. If upon such review it is the judgment of Ohio EPA that further action is appropriate, Ohio EPA may take or require such action from any entity, including Defendant. If OEPA notifies Defendant that additional action or modification of the remedial action is appropriate, Defendant shall submit to OEPA for approval a work plan, including schedule, within 60 days of such notice and shall implement such additional or modified action in

accordance with the work plan as approved by OEPA.

XVI. CIVIL PENALTY AND RESPONSE COSTS

66. Defendant shall pay a civil penalty of one hundred sixty-five thousand dollars (\$165,000.00) to the State of Ohio. Payment shall be made by delivering certified checks or money orders to Frances L. Figetakis, Assistant Attorney General, 30 E. Broad Street, 25th Floor, Columbus, Ohio 43266-0410 pursuant to the following schedule:

a. Defendant shall pay within thirty (30) days of the entry of this Order eighty thousand dollars (\$80,000.00) for its violations of Ohio's hazardous waste laws. The payment shall be made payable to the Treasurer of the State of Ohio for payment into the Hazardous Waste Clean-Up fund pursuant to R.C. 3734.28.

b. Defendant shall pay within sixty (60) days of the entry of this Order forty thousand dollars (\$40,000.00) for its violations of Ohio's water pollution control laws. The payment shall be made payable to the Treasurer of the State of Ohio.

c. Defendant shall pay within ninety (90) days after entry of this Order forty-five thousand dollars (\$45,000.00) for its violations of Ohio's air pollution control laws. The payment shall be made payable to the Treasurer of the State of Ohio.

XVII. SUBMITTAL OF DOCUMENTS

67. Documents which must be submitted under this Order shall be submitted as follows:

a. All documents submitted under Section VI of this Order shall be sent to:

Ohio Environmental Protection Agency
Attention: Ralph Baker
Northwest District Office
1035 Devlac Grove Drive
Bowling Green, Ohio 43402

and to:

Ohio Environmental Protection Agency
Attention: Division of Water Pollution
Control, Pretreatment Unit
Central Office
1800 WaterMark Drive
Columbus, Ohio 43266-0149

b. All documents submitted under Section VIII of this Order shall be sent to:

Ohio Environmental Protection Agency
Attention: David Mentzer
Central Office
1800 WaterMark Drive
Columbus, Ohio 43266-0149

and to:

Ohio Environmental Protection Agency
Attention: Tina Baker
Northwest District Office
1035 Devlac Grove Drive
Bowling Green, Ohio 43402

c. All documents submitted under Section VII of this Order shall be sent to:

XVII. SUBMITTAL OF DOCUMENTS

67. Documents which must be submitted under this Order shall be submitted as follows:

a. All documents submitted under Section VI of this Order shall be sent to:

Ohio Environmental Protection Agency
Attention: Ralph Baker
Northwest District Office
1035 Devlac Grove Drive
Bowling Green, Ohio 43402

and to:

Ohio Environmental Protection Agency
Attention: Division of Water Pollution
Control, Pretreatment Unit
Central Office
1800 WaterMark Drive
Columbus, Ohio 43266-0149

b. All documents submitted under Section VIII of this Order shall be sent to:

Ohio Environmental Protection Agency
Attention: David Mentzer
Central Office
1800 WaterMark Drive
Columbus, Ohio 43266-0149

and to:

Ohio Environmental Protection Agency
Attention: Tina Baker
Northwest District Office
1035 Devlac Grove Drive
Bowling Green, Ohio 43402

c. All documents submitted under Section VII of this Order shall be sent to:

Ohio Environmental Protection Agency
Attention: Michael A. Savage, Ass't Chief, DSHWM
Central Office
1800 WaterMark Drive
Columbus, Ohio 43266-0149

and to:

Ohio Environmental Protection Agency
Attention: Don North
Northwest District Office
1035 Devlac Grove Drive
Bowling Green, Ohio 43402

XVIII. RETENTION OF JURISDICTION

68. This Court shall retain jurisdiction of this matter for the purpose of overseeing Defendant's implementation of this Consent Order.

XIX. MONTHLY PROGRESS REPORTS

69. Defendant shall submit written progress reports which describe the activities which, pursuant to Section VIII of this Order, have been undertaken during the previous month, and activities which are scheduled for the next month, to OEPA by the tenth day of every month after the entry of this Order. At a minimum, these reports shall:

- 1) Identify the site and activity;
- 2) Describe the status of work at the Site and progress to date;
- 3) Demonstrate the percentage of completion;
- 4) Describe difficulties encountered during the reporting period;
- 5) Describe actions taken to rectify problems;

- 6) Describe activities planned for the next month; and
- 7) Identify changes in key personnel.

70. These progress reports shall list target and actual completion dates for each element of activity, including the project completion, and provide an explanation of any deviation from the milestones in the Workplan schedule.

71. These progress reports and any other documents, including correspondence, submitted pursuant to Section VIII of this Order shall be sent by certified mail to the following:

Ohio EPA (1 copy)
P. O. Box 1049
Columbus, Ohio 43266-0149
Attn: Technical and Program Support
Section, Division of Emergency and
Remedial Response

Ohio EPA (2 copies)
Northwest District Office
1035 Devlac Grove Drive
Bowling Green, Ohio 43402
Attn: Supervisor, Division of Emergency
and Remedial Response

All correspondence to Defendant will be directed to the following:

Richard T. Bieterman
Handy & Harman Automotive Group, Inc.
State Route 66, Box 430
Archbold, Ohio 43502

XX. STIPULATED PENALTIES

72. In the event the Defendant fails to meet any of the

requirements of this Consent Order, the Defendant shall be immediately liable for and shall pay to the State the following stipulated penalties for each day of violation of each requirement:

- a) For each day of failure to meet a requirement of paragraphs 12 or 18 -

\$1,000.00 for each day up to and including 30 days

\$2,000.00 for each day from 31 through 60 days

\$5,000.00 for each day from 61 through 90 days

\$7,500.00 for each day from 91 through 120 days

\$10,000.00 for each day over 120 days

- b) Except as provided in (a), for each day of failure to meet a requirement of Sections V, VI, VII or VIII -

\$500.00 for each day up to and including 14 days

\$1,000.00 for each day from 15 through 44 days

\$2,000.00 for each day from 45 through 60 days

\$5,000.00 for each day over 60 days

- c) For each day Defendant fails to comply with the requirements of any other Section of this Order, \$500.00 per day for each requirement not met.

Any payment required under this paragraph shall be paid by certified check, payable to the Treasurer of the State of Ohio, sent to: Frances L. Figetakis, Assistant Attorney

General, 30 E. Broad Street, 25th Floor, Columbus, Ohio
43266-0410. All stipulated penalties due under this section
shall be paid within seven (7) days of the date of violation.

73. These stipulated penalties shall not be suspended in part or in whole. Defendant waives any rights it may have to contest the imposition of these stipulated penalties for violations of this Order, except the defense that the violations did not in fact occur. This Order in no way affects, alters or diminishes the right of the State to pursue further enforcement action and/or penalties for violations of this Order or for future violations.

XXI. DISPUTE RESOLUTION

74. Only Sections VIII and XV of this Consent Order shall be subject to this dispute resolution provision. No other provision in this Order, or any other action and/or order of the Director of Ohio EPA shall be subject to dispute resolution.

75. With regard to each document or submittal that Defendant is required under Sections VIII or XV of this Consent Order submit to OEPA for review and approval, OEPA agrees to notify Defendant in writing after receipt of such document of its approval, disapproval, or proposed modification or addition. The notice will specify the deficiencies in the event of any disapproval or proposed modification or addition and list the reasons for the disapproval or proposed modification or addition. Should Defendant have a dispute or

disagreement with Ohio EPA's notice of disapproval, deficiency, modification or addition, the project coordinators will use their best efforts to resolve the differences informally within 7 days of Defendant's receipt of such notice.

76. If the project coordinators are unable to reach a consensus within the 7 days, Defendant shall notify OEPA in writing of Defendant's objections, detailing its position, the basis therefore, and its proposed resolution, within 14 days of receipt of the written notice of the disapproval, deficiency, modification, addition or schedule change in dispute.

77. If OEPA does not concur with the Defendant's position, OEPA will notify Defendant in writing. No later than 5 days of receipt of such notice, Defendant may submit a written statement of dispute to the Chief of the Division of Emergency and Remedial Response (DERR), or designee. Failure to submit such written statement within the designated time shall be deemed concurrence by Defendant with the position of Ohio EPA.

78. Within 30 days of receipt of Defendant's written statement, the Chief of DERR (or designee) agrees to notify Defendant in writing as to OEPA's decision. The dispute shall be deemed resolved as set forth in the decision letter. Any letter or notice sent to Defendant pursuant to this Section is not a final action of the Director of OEPA.

79. If Defendant chooses to pursue a review of the OEPA's decision, it may petition this Court for review within 10 days after the receipt of OEPA's decision letter. This Court shall

affirm the OEPA's position unless Defendant demonstrates by a preponderance of the evidence that OEPA has acted in a manner that is arbitrary and capricious.

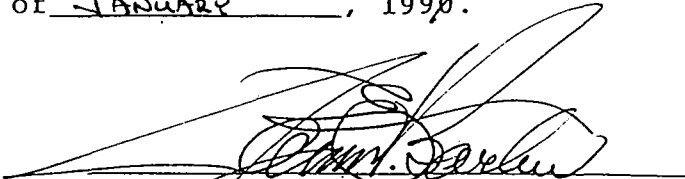
80. The pendency of dispute resolution shall not affect the time period for completion of work to be performed except that time for performance may be extended by mutual agreement of the parties. Elements of work not affected by the dispute will be completed in accordance with the schedules contained in the Work Plans. If the Court does not decide the dispute within 90 days after the date of the filing of Defendant's petition, Defendant shall implement, or continue work under, the disputed Work Plan in accordance with OEPA's determination until the Court rules otherwise.

81. Once Defendant has petitioned this Court to resolve a dispute pursuant to this Section, no stipulated penalties due to the State as a result of Defendant's alleged violation which is the basis of the dispute need be paid. If the Court finds that the State's action, which is the basis of the dispute, was arbitrary and capricious, the stipulated penalties shall not be due. If the Court affirms the State, all stipulated penalties due as a result of Defendant's alleged violation shall be paid within 10 days of the Court's final determination and order.

XXII. COSTS

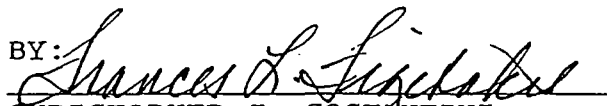
82. Defendant shall pay the court costs of this action.

Entered this 9th day of JANUARY, 1998.


JUDGE, FULTON COUNTY
COURT OF COMMON PLEAS


ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

HANDY & HARMAN AUTOMOTIVE
GROUP, INC.

BY: 
CHRISTOPHER J. COSTANTINI
FRANCES L. FIGETAKIS
Assistant Attorneys General
Environmental Enforcement
Section
30 East Broad Street, 25th Fl.
Columbus, Ohio 43266-0410
614-466-2766

Counsel for Plaintiff
State of Ohio

BY: _____
NAME Richard T. Butman
TITLE Division Manager - Baseball

NAME 
TITLE President Parts Dept