

IN THE COURT OF COMMON PLEAS
WYANDOT COUNTY, OHIO

STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY,
ATTORNEY GENERAL OF OHIO
30 East Broad Street
Columbus, Ohio 43266-0410

Plaintiff,

v.

THE MILLS COMPANY
11500 River Street
Upper Sandusky, Ohio 43351

Defendant.

CASE NO. 95-CV-0013

JUDGE Hunter

CONSENT ORDER

CLERK'S OFFICE
WYANDOT COUNTY, OHIO
FILED
MAR 14 3 31 PM '95

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 The Mills Company having consented to the entry of this Order,

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

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 3734 of the Ohio Revised Code, and venue is proper in this Court.

II. PARTIES

2. The 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.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint, *inter alia*, that The Mills Company has stored hazardous wastes at its 11500 River Street, Upper Sandusky, Ohio facility in such a manner as to result in violations of the hazardous waste laws and regulations of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all violations under such laws 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. Also, nothing in this Consent Order shall be construed as an admission of fact or liability by The Mills Company.

IV. INJUNCTION

4. Defendant The Mills Company agrees to refrain and is permanently enjoined from violating Ohio Rev. Code Chapter 3734 and the rules adopted thereunder. Specifically, Defendant The Mills Company agrees to refrain and is permanently enjoined from engaging in any storage, treatment, or disposal of hazardous wastes except at a properly licensed and authorized facility, or in full compliance with Ohio Rev. Code Chapter 3734.

V. CIVIL PENALTY

5. Defendant The Mills Company shall pay a civil penalty of Forty-Eight Thousand Dollars (\$48,000.00). Of that amount, the payment of Thirty Thousand Dollars (\$30,000.00) is suspended based upon Defendant's demonstrated financial hardship. The remaining penalty in the amount of Eighteen Thousand Dollars (\$18,000.00) shall be paid by delivering certified checks to Matt Sanders, Administrative Assistant (or his successor), Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, payable to the order of "Treasurer, State of Ohio" according to the following payment schedule:

-	March 6, 1995	\$6,000.00
-	May 31, 1995	\$3,000.00
-	August 31, 1995	\$3,000.00
-	November 30, 1995	\$3,000.00
-	February 29, 1996	\$3,000.00

VI. ENFORCEMENT COSTS

6. Defendant The Mills Company is ordered to pay the enforcement costs of relator Ohio Attorney General expended in pursuing the instant action, totaling One Thousand, One Hundred, and Twenty-Five Dollars (\$1,125.00) by delivering to Matt Sanders, Administrative Assistant (or his successor), Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a certified check for that amount, made payable to the order of "Treasurer, State of Ohio," within thirty (30) days after the entry of the instant Consent Order. Any check submitted in compliance with this section shall be in addition to and separate from any check submitted pursuant to any other section of this Consent Order.

VII. RETENTION OF JURISDICTION

7. The court will retain jurisdiction of this action for the purpose of enforcing this Consent Order. Both the Plaintiff and The Mills Company hereby reserve their rights under Rule 60(B) of the Ohio Rules of Civil Procedure.

VIII. COSTS

8. Defendant The Mills Company is hereby ordered to pay the costs of this action.

IT IS SO ORDERED:

ENTERED THIS _____ DAY OF _____, 1995.


/s/ JOHN G. HUNTER

JUDGE, WYANDOT COUNTY
COURT OF COMMON PLEAS.

APPROVED:

THE MILLS COMPANY

BY:

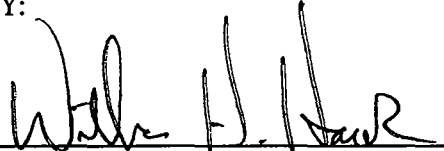


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ATTORNEY GENERAL OF OHIO

BY:



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Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3428
(614) 466-2766

BY:



(Authorized Representative of Defendant, The Mills Company)

TITLE:

PRESIDENT