

COMMON PLEAS COURT  
FILED

IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO

'85 SEP 27 PM 3:53

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

CASE NO. 83 CIV 037

ROBERT H. DANLAP  
CLERK OF COURTS  
ALLEN COUNTY, OHIO

Plaintiff

-vs-

TRANSVAC, DIVISION OF  
INTERDYNE CORPORATION, et al

JUDGMENT ENTRY

Defendants

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A complaint having been filed seeking injunctive relief and civil penalties for alleged violations of Ohio Hazardous Waste laws, which allegations Defendants have expressly denied, and the parties having consented to the entry of this order, which consent by the defendants shall not be construed as an admission or inference that defendants have violated any of the Ohio hazardous waste laws, and do expressly deny having done any of the acts to be enjoined hereby, now therefore the parties agree,

And it is therefore ORDERED, ADJUDGED, and DECREED that:

1. The court has jurisdiction over the subject matter of the above-captioned suit and the parties herein.
2. This consent entry is binding upon all parties to this action, their heirs, assigns, successors in interest and all parties acting in privity with the Defendants.
3. The Defendants are hereafter forever enjoined to comply with the hazardous waste laws of the State of Ohio as codified in Chapter 3743 of Ohio Revised Code and the Regulations promulgated pursuant thereto.
4. Defendants are ordered to pay civil penalty of One Hundred Fifty Thousand Dollars (\$150,000.00). Pursuant to the stated agreement of the parties on May 28, 1985 said civil penalty shall be assessed as follows:

(A). Fifty Thousand Dollars (\$50,000.00) of the civil penalty shall be suspended provided the Defendants comply with, in the future, the hazardous waste laws of the State of Ohio.

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(B). Fifty Thousand Dollars (\$50,000.00) shall be paid by Transvac, Division of Interdyne Corporation into the State Treasury, to the credit of the Hazardous Waste Special Account, in five (5) annual installments of Ten Thousand Dollars (\$10,000.00) each, the first payment to be made on or before December 31, 1985, and the remaining four (4) installments shall be made on or before December 31 of each subsequent year unless otherwise ordered by the Court upon application of Transvac, notice to the State, and a hearing. Interest shall accrue at the statutory rate of ten percent (10%) on the judgment pursuant to R.C. 1343.03.

(C). Defendants shall be credited for the cleanups heretofore accomplished and soil analysis and survey as described in paragraph eight (8), *infra*, to be applied against the remaining Fifty Thousand Dollars (\$50,000.00). Any part of this remaining Fifty Thousand Dollars (\$50,000.00) which is not subsumed by this credit shall be paid by the Defendants, concurrent with and in addition to the final installment paid pursuant to paragraph 4(B) *supra*, unless otherwise ordered by the Court upon application of the Defendants, notice, and a hearing. There shall be no interest chargeable to the unpaid balance, if any, due to the State at the end of said term.

5. All payments made pursuant to this order shall be made in the medium required by the Treasurer of the State of Ohio to the "State of Ohio, Hazardous Waste Special Account" in the appropriate amount tendered to Plaintiff's counsel or his successor.

6. The Defendants shall undertake a soil sampling and analysis plan in accordance with an agreed plan to be submitted by the parties within thirty (30) days following the filing of this Entry, or, if they do not agree, as ordered by the Court. The Defendants shall begin implementation of the agreed plan or plan as ordered within one (1) year after adoption of the plan by the Court. The Defendants shall complete the sampling and analysis plan within two (2) years thereafter. Sampling shall be done in accordance with the plan. The Defendants shall give twenty-four (24) hours notice to the Ohio EPA of any impending work to implement the plan. An employee of Ohio EPA shall have the right to attend the premises of Interdyne Corporation at anytime Defendants or their consultant contractors are implementing the soil analysis plan.

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7. Ohio EPA shall have the right to split samples taken pursuant to the plan, both soil and water. The Defendants have the right to a split of any sample which Ohio EPA may choose to take during implementation of the plan.

8. Further remedial action, if any, will be determined after implementation of this plan for soil analysis. If the parties are unable to agree concerning the additional remedial action necessary, if any, the Court retains jurisdiction to decide the issues.

9. Defendants shall provide to the Court and to the Plaintiff progress reports concerning the implementation of this plan. These reports shall describe the various tasks performed by the consultant/contractors and the amount expended by the Defendants therefore.

10. Defendants shall pay the costs of this action, taxed in the amount of Three Thousand Three Hundred and Ninety and 09/100 Dollard (\$3,390.09).

11. This Court shall retain jurisdiction for the purpose of making any order necessary to carry out the terms of this Consent Judgment.

  
MICHAEL A. RUMER, JUDGE

THE STATE OF OHIO, } SS      CERTIFICATE OF COPY  
Allen County, }  
I, ROBERT H. DUNLAP Clerk of the Court of Common  
Pleas within and for the aforesaid County and State, do  
hereby certify that the foregoing is a true and correct copy  
of the original document now on file in said Clerk's office.

IN WITNESS WHEREOF, I have here  
unto set my hand and affixed the seal  
of said Court at Lima, Ohio, this 30th  
day of September, A. D. 1985

(SEAL)

ROBERT H. DUNLAP  
By 