

OHIO
ATTY GENERAL
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ENVIRONMENTAL
ENFORCEMENT

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel. : CASE NO. 207589
LEE FISHER :
ATTORNEY GENERAL OF OHIO : JUDGE MICHAEL GALLAGHER
:
Plaintiff, :
:
v. :
:
TYLOK INTERNATIONAL : CONSENT ORDER
:
Defendant. :

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 Tylok International (hereinafter "Tylok") 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, 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 6111. of the Ohio Revised Code, ("O.R.C.") and venue is proper in this Court.

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the Defendant, its agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them. Defendant Tylok shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein, and each general contractor shall provide a copy of this Consent Order to each of its subcontractors for such work.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in the Complaint that Defendant Tylok has operated its metal finishing facility located at 1061 E. 260th Street, Euclid, Cuyahoga, Ohio, in such a manner as to result in numerous violations of Ohio's categorical pretreatment standards in violation of the water pollution laws of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of civil liability by Defendant for all claims 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 or obtain relief for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint.

IV. INJUNCTIVE RELIEF

4. Defendant Tylok is hereby enjoined and ordered to immediately, upon the Court's entry of this order, comply with the requirements of O.R.C. Chapter 6111 and the terms and conditions of the rules and regulations adopted under that Chapter, except for as provided in Paragraph 5 and Paragraph 7 of this Order.

V. COMPLIANCE SCHEDULE

5. Defendant Tylok is enjoined and ordered to install, in accordance with the following schedule, a pretreatment facility as defined by ORC Section 6111.01(J) that is designed to provide sufficient "pretreatment" (as defined by Rule 3745-3-01 of the O.A.C.) to its wastewater being discharged to the city of Euclid POTW, such that Tylok's discharge complies with the applicable requirements of O.R.C. Chapter 6111., O.A.C. Rules 3745-3-04 and 3745-3-12, and PSES of the Metal Finishing Point Source Category, 40 CFR 433.

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Submit pursuant to O.A.C. Rule 3745-31-02 a complete and approvable Permit to Install application including approvable detail plans and specifications for the pretreatment facility.	completed
(b) Initiate construction of the pretreatment facility.	completed
(c) Complete construction of the pretreatment facility.	completed

(d) Attain compliance with requirements of the PSES of the Metal Finishing Point Source Category, 40 CFR 433 and O.A.C. Rules 3745-3-04 and 3745-3-12.

March 31, 1992

6. Defendant Tylok shall submit, within seven days from the completion date listed in (d) above, a written report stating whether or not Tylok has performed the action set forth therein.

7. Defendant Tylok is enjoined and ordered to submit, within 30 days of entry of this Order, a baseline report pursuant to O.A.C. Rule 3745-3-06(B). Defendant is enjoined and ordered to comply, immediately upon entry of this Order, with all other reporting requirements in accordance with the requirements of O.A.C. Rule 3745-3-06.

8. This Consent Order does not constitute authorization or approval of the construction of any physical structure or pretreatment facilities, or the modification of any existing pretreatment works or system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

VI. REPORTING REQUIREMENTS

9. Any submission to the Ohio EPA as required by this Consent Order unless otherwise indicated shall be delivered to:

a. Ohio EPA
Northeast District Office
Division of Water Pollution Control
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Bill Bush or his successor

b. Ohio EPA
Division of Water Pollution Control, Pretreatment
Unit
P.O. Box 1049
1800 WaterMark Drive
Columbus, Ohio 43266-0149
Attn: John Albrecht or his successor

VII. CIVIL PENALTY

10. Defendant Tylok shall pay to the State of Ohio a civil penalty of Seventy Thousand Dollars (\$70,000.00). The penalty shall be paid by delivering to Janis K. Miller, Administrative Assistant to the Environmental Enforcement Section of the Attorney General's office or her successor, 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.

VIII. STIPULATED PENALTIES

11. In the event that Defendant Tylok fails to meet any of the requirements of this Consent Order as set forth in Paragraphs 6 and 7, including any scheduled milestone requirement, the Defendant shall, immediately and automatically, be liable for and shall pay a stipulated penalty according to the following payment schedule. For each day of each failure to meet a requirement, up to thirty (30) days - One Thousand Five Hundred Dollars (\$1,500.00) per day for each requirement not met. For each day of each failure to meet a requirement, from thirty-one (31) to sixty days (60) - Two Thousand Five Hundred (\$2,500.00) per day for each requirement not

IX. RETENTION OF JURISDICTION

14. The Court will retain jurisdiction of this action for the purpose of making any order or decree which it deems necessary or appropriate to carry out the terms of this Consent Order.

X. COSTS

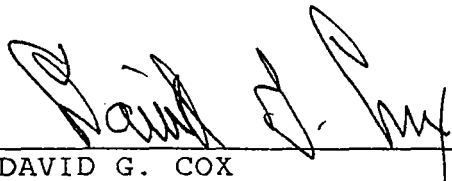
15. Defendant Tylok is hereby ordered to pay the Court costs of this action.

JUDGE, COURT OF COMMON PLEAS OF
CUYAHOGA COUNTY


APPROVED BY:

DATE: 2/26/72


STATE OF OHIO, ex rel.
LEE FISHER
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