

- b. "Facility" means Unimast's facility located at 1300 Phoenix Road, N.E., Warren, Ohio 44483

II. JURISDICTION AND VENUE

2. The Court has jurisdiction over the parties. This court has jurisdiction over the subject matter of this case pursuant to R.C. Chapter 3704 and rules promulgated thereunder. Venue is proper in this court. The Complaint states a claim upon which relief can be granted.

III. PERSONS BOUND

3. Pursuant to Rule 65(D) of the Ohio Rules of Civil Procedure, the provisions of this Consent Order shall apply to and be binding upon the parties to this action, their officers, agents, servants, employees, assigns, successors in interest, and, any person acting in active concern, or participation with them who receive actual notice of this Consent Order whether by personal service or otherwise.

IV. SATISFACTION OF LAWSUIT

4. Plaintiff alleges in its Complaint that Defendant Unimast has committed violations of the requirements of R.C. Chapter 3704 and the regulations promulgated thereunder at its Facility. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant to Plaintiff for all claims alleged in the Complaint.

5. Nothing in this Consent Order shall limit the authority of the State of Ohio to:

- a. Seek relief for claims or conditions not alleged in the Complaint;

- b. Seek relief for claims or conditions alleged in the Complaint which occur after the entry of this Consent Order;
- c. Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order.

6. Nothing in this Consent Order shall be construed to relieve the Defendant of its rights and obligations to comply with applicable federal, state, or local statutes, regulations, or ordinances.

V. GENERAL INJUNCTIVE RELIEF

7. Defendant is hereby permanently enjoined and ordered to comply with O.A.C. 3745-21-09(U).

VI. PAYMENT PURSUANT TO ORC SECTION 3704.06

8. Pursuant to O.R.C. section 3704.06, Unimast shall pay to the State of Ohio a civil penalty of Ninety five thousand five hundred dollars (\$95,500).

9. The penalty shall be paid by certified check or money order made payable to "Treasurer, State of Ohio," which check shall be delivered by mail, or otherwise, to Matt Sanders or his successor at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410, within 30 days of the entry of this Consent Order.

VII. PLAINTIFF'S LITIGATION COSTS

10. For Plaintiff's litigation costs in investigating and prosecuting this case, Defendants shall reimburse the Attorney General's Office in the amount of Seven Thousand Two Hundred Fifty Dollars (\$7,250.00). This amount shall be paid by delivering to Plaintiff, c/o Matt Sanders, Administrative Assistant, or his successor

at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410, a certified check in that amount, payable to the order of "Treasurer, State of Ohio" within thirty (30) days from the date of entry of this Consent Order.

VIII. RETENTION OF JURISDICTION

11. The Court will retain jurisdiction of this action for the purpose of enforcing compliance with this Consent Order. The parties expressly reserve any rights they may have pursuant to Rule 60 (B) of the Ohio Rules of Civil Procedure.

IX. COURT COSTS

12. Unimast is hereby ordered to pay any court costs of this action.

IT IS SO ORDERED.

12/13/94
Date

W. West
JUDGE, TRUMBULL COUNTY
COURT OF COMMON PLEAS

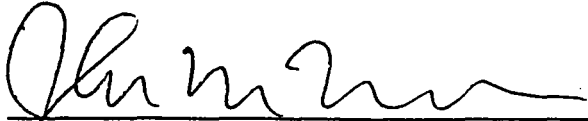
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MARSHALL J. JUNKIN
CLERK OF COURTS
TRUMBULL COUNTY

TO THE CLERK OF COURTS: YOU ARE ORDERED TO SERVE
COPIES OF THIS JUDGMENT ON ALL COUNSEL OF RECORD
AND ON THE PARTIES WHO ARE UNREPRESENTED FORTH-
WITH BY ORDINARY MAIL.

W. West
JUDGE

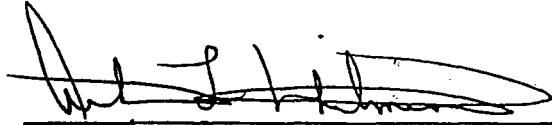
APPROVED BY:

LEE FISHER
ATTORNEY GENERAL OF OHIO
By:



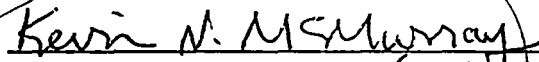
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UNIMAST, INC.
By:



Title: Vice President

MAK



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