

JUL 17 1986

ENTERED
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IMAGE
JUSTS ✓

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

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

Plaintiff,

vs.

THE WITT COMPANY,

Defendant.

Case No. A8605275

Judge WINKLER

CONSENT JUDGMENT

The Complaint having been filed on JUL 09 1986, pursuant to Ohio Revised Code ("O.R.C.") Sections 3704.05 and 3704.06 to enforce the air pollution statutes of the State of Ohio, Plaintiff, State of Ohio, and Defendant, The Witt Company, by their respective attorneys, now consent to the entry of this Consent Judgment.

Therefore, before the taking of any testimony, and without adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is ordered, adjudged and decreed as follows:

I. Jurisdiction

This Court has jurisdiction over the parties and the subject matter of this action.

II. Claim

The complaint states a claim upon which relief may be granted against the Witt Company, Defendant herein, under O.R.C. Sections 3704.05 and 3704.06.

III. Persons Bound

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, including the subsidiaries, parents, affiliates, divisions, officers, directors, agents, agencies, servants, employees, successors, representatives and/or assigns of the Plaintiff and Defendant, as well as anyone having notice of this consent judgment.

IV. Satisfaction of the Lawsuit

Compliance by Defendant with the terms of this Consent Judgment shall constitute full satisfaction of any and all liability of Defendant for violations of Chapter 3704 of the Ohio Revised Code charged in the Complaint and all similar violations of Chapter 3704, Revised Code, to the date of entry of this Consent Judgment

This Consent Judgment shall not be construed so as to preclude the State of Ohio from seeking monetary, injunctive or other relief provided by law or equity for violations of Chapter 3704, Ohio Revised Code, should any such violations occur subsequent to the date of entry of this Consent Judgment.

V. Civil Penalty

As alleged in this complaint, Defendant has violated Ohio Revised Code Section 3704.05 and Ohio Administrative Code Rule 3745-35-02 by operating the air contaminant sources described as paint booths number 1, 2, and 3, located at The Witt Company facility, 4454 Steel Place, Cincinnati, Ohio, premise number

1431070678, and identified as Ohio EPA sources R001, R002, and R003 without permits, and has violated Ohio Revised Code Section 3704.05 and Ohio Administrative Code Rules 3745-21-09(U)(1)(a)(vii) and 3745-21-04(C)(28) by failing to comply with the VOC standard for the paint booths number 1 and 2 by December 31, 1982, and by failing to submit a final control plan to Ohio EPA by July 1, 1981.

Defendant shall pay Plaintiff, State of Ohio, a civil penalty in the amount of six thousand eight hundred fifty dollars (\$6,850.00). This amount shall be paid to the order of "Treasurer, State of Ohio" and delivered to Plaintiff's counsel upon the signing of this Consent Judgment.

VI. Right of Entry

Defendant is ordered to permit Ohio EPA personnel or Southwestern Ohio Air Pollution Control Agency personnel to enter upon The Witt Company premises at 4454 Steel Place, Cincinnati, Ohio, at any reasonable time, for the purpose of making inspections, conducting tests, reviewing records, and determining compliance with all applicable state and federal air pollution laws and regulations and the terms and conditions of this Consent Judgment, and pursuant to Revised Code Sections 3704.03(L) and 3704.05(E).

VII.

Defendant, its officers, directors, agents, servants, employees, assigns, successors in interest, and any parent

company and/or subsidiary are permanently enjoined to comply with Ohio Administrative Code Rule 3745-21-09(U)(1)(a)(vii) in operating paint booths number 1, 2, and 3 at Defendant's Cincinnati facility.

VIII.

Defendant shall pay the Court costs.

IX. Retained Jurisdiction

The Court shall retain jurisdiction over this case until all obligations of the Consent Judgment are complied with. Either party may apply to this Court to enforce or modify the terms of this Consent Judgment or to resolve disputes arising thereunder.

X. Miscellaneous

All written notices, reports, verifications, requests, or other documentation required or allowed under this Consent Judgment shall be sent to the parties at the following addresses, which may be changed at any time upon written notification to the other party.

A. For Plaintiff:

Ohio EPA
Dave Brown
361 East Broad Street
Columbus, Ohio 43215

B. For Defendant:

Marianne E. Scott
Santen, Shaffer & Hughes
Suite 900
105 East Fourth Street
Cincinnati, Ohio 45202-4080

JUDGE
(copy)

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

BY:

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