

COMMON PLEAS COURT
WARREN COUNTY, OHIO

IN THE COURT OF COMMON PLEAS
WARREN COUNTY, OHIO

07 DEC -6 PM 1:17

JARVIS FAETH
CLERK OF COURTS

STATE OF OHIO, ex rel.
MARC DANN,
ATTORNEY GENERAL OF OHIO

:
: CASE NO. 07 CV 69975

Plaintiff,

: JUDGE *Heath*

v.

CONVERTERS PREPRESS, INC.
301 Industry Drive
Carlisle, Ohio 45005

Defendant.

CONSENT ORDER AND FINAL JUDGMENT ENTRY

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Marc Dann ("Plaintiff") and Defendant Converters Prepress, Inc. ("Defendant" or "Converters Prepress") having consented to the entry of this Order,

NOW THEREFORE, upon consent of the parties hereto, without the trial, admission, or determination of any issue of fact or law, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. DEFINITIONS

1. As used in this Order, the following terms are defined as follows:
 - a. "Facility" means the electroplating facility located at 301 Industry Drive, Carlisle, Ohio 45005.
 - b. "Ohio EPA" means the Ohio Environmental Protection Agency.

- c. "Director" means the Director of Ohio EPA.
- d. "Consent Order" or "Order" means this Consent Order and Final Judgment Entry.
- e. "Air contaminant source" or source has the same meaning as set forth in R.C. 3704.01(C) and Ohio Adm.Code 3745-31-01(I) and 3745-35-01(B).
- f. "Permit to Install" or "PTI" has the same meaning as set forth in Ohio Adm.Code Chapter 3745-31.

II. JURISDICTION

2. 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 Chapters 3704 and 3734 of the Ohio Revised Code, and venue is proper in this Court.

III. PERSONS BOUND

3. The provisions of this Consent Order shall apply to and be binding upon the Defendant to this action, its agents, officers, employees, assigns, successors in interest, and, in accordance with Rule 65(D) of the Ohio Rules of Civil Procedure, any person in active concert or participation with it who receives actual notice of this Consent Order whether by personal service or otherwise.

4. Defendant agrees and is hereby enjoined to provide actual notice of this Order to its agents, officers, employees, assigns, successors in interest, and/or any agents or persons working in concert with Defendant regarding any activity related to this Order or the Complaint in this case.

IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

5. Compliance with the terms of this Consent Order shall constitute full satisfaction

of any civil liability of Defendant for all violations 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 specifically alleged in the Complaint, including any violations that occur after the filing of this Consent Order.

V. INJUNCTIVE RELIEF

6. Defendant is hereby ordered and enjoined to comply with R.C. Chapter 3704 and the rules adopted thereunder and any orders of the Director.

7. Defendant is hereby ordered and enjoined to comply with R.C. Chapter 3734 and the rules adopted thereunder, including failure to perform hazardous waste determinations, pursuant to Ohio Adm. Code 3745-52-11, and failure to legally dispose of hazardous waste, pursuant to R.C. 3734.02 (E) and (F).

8. Defendant is hereby ordered and enjoined to comply with the terms and conditions of any current or subsequent permits issued to Defendant by the Director under R.C. Chapter 3704. Specifically, Defendant is enjoined and ordered to immediately comply with the terms and conditions of Permit to Install No. 14-05433 currently applicable to the plant owned and operated by Defendant.

9. Defendant is hereby ordered and enjoined to comply with all monitoring and recordkeeping requirements contained in Permit to Install No. 14-05433, Part II (C).

VI. CIVIL PENALTY

10. Pursuant to and in accordance with R.C. 3704.06 and 3734.10, Defendant is enjoined and ordered to pay a total civil penalty of Eighteen Thousand Dollars (\$18,000.00). This amount shall be paid in thirty-six (36) monthly installments of Five Hundred Dollars (\$500.00) by cashier's or certified check payable to the Order of "Treasurer, State of Ohio" and

delivered within 30 days of entry of this Consent Order to Martha A. Sexton, Paralegal, or her successor, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400. For each monthly payment of Five Hundred Dollars (\$500.00), Three Hundred Sixty-One Dollars (\$361.00) shall be deposited in accordance with R.C. 3734.10, and One Hundred Thirty-Nine Dollars (\$139.00) shall be deposited in accordance with R.C. 3704.06.

11. Each installment payment shall be received by this office no later than the fifth day of each month. In the event that payment is not received by this office per the above terms, the remaining balance of the total civil penalty shall become immediately due and payable. Defendant shall have ten (10) days to correct non-payment by providing a notification of the deficiency in writing and remitting the delinquent payment to Martha A. Sexton, Paralegal, or her successor, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400. If an instance of non-payment is corrected in accordance with the above procedure, Defendant shall remit the remaining balance of the civil penalty per the original monthly installment schedule.

VII. STIPULATED PENALTIES

12. In the event that Defendant fails to comply with any requirement or deadline contained in this Consent Order or any requirement or deadline contained in any document approved in accordance with this Consent Order, the stipulated penalties contained herein shall apply for the purpose of coercing compliance. Defendant is liable for and shall immediately pay stipulated penalties in accordance with the following schedule for each failure to comply:

- a. For each day of each failure to comply with a requirement or deadline of this Consent Order, up to and including thirty (30)

days— Two Hundred Fifty Dollars (\$250.00) per day for each requirement or deadline not met.

- b. For each day of each failure to comply with a requirement or deadline of this Consent Order, from thirty-one (31) to sixty (60) days— Five Hundred Dollars (\$500.00) per day for each requirement or deadline not met.
- c. For each day of each failure to comply with a requirement or deadline of this Consent Order, over sixty (60) days— Seven Hundred Fifty Dollars (\$750.00) per day for each requirement or deadline not met.

13. Any payment required to be made under the provisions of this Section of the Consent Order shall be made by delivering to Plaintiff, c/o Martha A. Sexton, Paralegal, or her successor, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400, a cashier's or certified check or checks made payable to the order of "Treasurer, State of Ohio," for the appropriate amount within thirty (30) days from the date(s) of the failure to meet the requirement or deadline of this Consent Order. The memo portion of the check, or some other prominent location on the transmittal letter or documentation, shall include a reference to "A.G. EAGO No. 296668." The payment of the stipulated penalty shall be accompanied by a letter briefly describing the type of violation or requirement not met and the date upon which the violation of this Consent Order occurred.

14. The requirement to pay any stipulated penalty as set forth herein is self-executing upon the failure of Defendant to meet any requirement of this Consent Order. No further demand need be made by Plaintiff.

15. The payment of the stipulated penalties by Defendants and the acceptance of such stipulated penalties by Plaintiff pursuant to this Section shall not be construed to limit Plaintiff's authority to seek additional relief pursuant to R.C. Chapter 3704 and 3734, including civil penalties under R.C. 3704.06 and 3734.10, or to otherwise seek judicial enforcement of this Consent Order, for the same violation for which a stipulated penalty was paid or for other violations.

VIII. RETENTION OF JURISDICTION

16. The Court will retain jurisdiction of this action for the purpose of enforcing this Consent Order.

IX. COSTS

17. Defendants are hereby ordered to pay the court costs of this action.

X. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK


18. Upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

XI. AUTHORITY TO ENTER INTO THE CONSENT ORDER

19. The signatory for the Defendant represents and warrants that he/she has been duly authorized to sign this document and so bind the corporation to all terms and conditions thereof.

IT IS SO ORDERED:

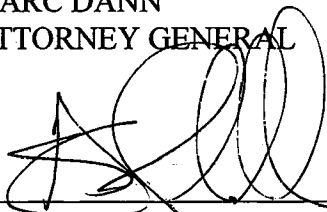
DATE _____



JUDGE, WARREN COUNTY
COURT OF COMMON PLEAS

APPROVED:

MARC DANN
ATTORNEY GENERAL



Gary L. Pasheilich (0079162)
James A. Carr (0022840)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3400
Telephone: (614) 644-9149

Counsel for Plaintiff

CONVERTERS PREPRESS, INC.

CATHY PIERRE, CONTROLLER




*Authorized Representative of
Converters Prepress, Inc.*



Roger Weiler (pro hac vice)
General Counsel
Converters Prepress, Inc.
301 Industry Drive
Carlisle, Ohio 45005

Attorney for Defendant

CERTIFIED COPY
JAMES L. SPAETH, CLERK
WARREN COUNTY, OHIO
COMMON PLEAS COURT
BY 
DEPUTY

**IN THE COURT OF COMMON PLEAS
WARREN COUNTY, OHIO**

STATE OF OHIO EX REL

VS

CASE NO: **07CV69975**

CONVERTERS PREPRESS INC

December 6, 2007

To: GARY L PASHEILICH

YOU ARE HEREBY NOTIFIED THAT A FINAL APPEALABLE JUDGMENT WAS
ENTERED IN THE ABOVE CASE ON DECEMBER 6, 2007.

JAMES L. SPAETH
CLERK OF COURTS
500 JUSTICE DRIVE
P.O. BOX 238
LEBANON, OH 45036

C: ROGER WEILER