

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO, <i>ex rel.</i>	:	CASE NO. 2016 CV 00124
DAVE YOST	:	
OHIO ATTORNEY GENERAL,	:	
Plaintiff,	:	JUDGE ANDREW D. LOGAN
	:	
v.	:	CONSENT ORDER FOR
	:	PERMANENT INJUNCTION
WARREN STEEL	:	CIVIL PENALTIES
HOLDINGS, LLC, <i>et al.</i>,	:	
Defendants.	:	

The State of Ohio, by its Attorney General (“Plaintiff”/“the State”) and at the written request of the Director of the Ohio Environmental Protection Agency (“the Director”), has filed an Amended Complaint seeking injunctive relief and civil penalties against Defendants Warren Steel Holdings, LLC, Optima Specialty Steel, Inc., Mordechai Bistrizky, Michael Salamon, and Mordechai Korf for alleged violations of Ohio’s solid and hazardous waste pollution control laws (R.C. Chapter 3734), cessation of regulated operations laws (R.C. Chapter 3752), and water pollution control laws (R.C. Chapter 6111) arising from Defendants’ alleged operation and ownership of the steel production facility located at 4000 Mahoning Avenue, Warren, Trumbull County, Ohio 44483. This Consent Order (“Order”) pertains to Defendants Warren Steel Holdings, LLC and Mordechai Korf (“WSH Defendants”). The WSH Defendants and the State (“the Parties”) have consented to the entry of this Order.

Therefore, without trial, admission, or determination of any issue of fact or law and with the consent of the Parties hereto, it is ORDERED, ADJUDGED, AND DECREED:

I. DEFINITIONS

1. As used in this Order, the following terms are defined:
 - a. "C&DD" means "construction and demolition debris" as defined in R.C. 3714.01.
 - b. "Closure Plan" means a closure plan that has been submitted in accordance with Ohio Adm.Code 3745-55-10 through 3745-55-20 and is ultimately approved by the Director. The approved closure plan may be: a closure plan approved by the Director as submitted by WSH Defendants, or a closure plan approved by the Director after being submitted by WSH Defendants and modified by the Director.
 - c. "Consent Order" or "Order" refers to this Order.
 - d. "CRO Plan" refers to Exhibit G attached to this Order.
 - e. "Director" means the Director of the Ohio Environmental Protection Agency ("Ohio EPA") or her designee.
 - f. "Effective Date" means the date the Trumbull County Clerk of Courts files this Order.
 - g. "Hazardous Waste Management Units" mean any and all areas where hazardous wastes, as defined by R.C. 3734.01(J) and Ohio Adm.Code 3745-51-03, have been stored, treated and/or disposed of at the Site.
 - h. "Korf" refers to Defendant Mordechai Korf, President of Warren Steel Holdings, LLC.
 - i. "Lagoon and WWTP Management Plan" refers to Exhibit F attached to this Order.
 - j. "Parties" means Plaintiff, the State of Ohio, and WSH Defendants, Warren Steel Holdings, LLC and Mordechai Korf.
 - k. "Person" means an individual, public or private corporation, business trust, estate, trust, partnership, association, federal government or any agency thereof, municipal corporation or any agency thereof, political subdivision or any agency thereof, public agency, interstate body created by compact, any other entity, and other officers, agents, employees, attorneys, and/or those in active concert or participation with any of them.

- l. "State" means Plaintiff State of Ohio, by and through its Attorney General, Dave Yost, at the written request of the Director of Environmental Protection.
- m. "Solid Waste Management Plan" refers to Exhibit E attached to this Order.
- n. "Warren Steel Site" or "the Site" refers to the former steel production facility consisting of parcel numbers 41-901611 and 46-373100 and located at 4000 Mahoning Avenue, Warren, Trumbull County, Ohio 44483.
- o. "WSH" refers to Warren Steel Holdings, LLC.
- p. "WSH Defendants" means Warren Steel Holdings, LLC and Mordechai Korf.

II. JURISDICTION AND VENUE

2. The Court has jurisdiction over the Parties and the subject matter of this action under R.C. Chapters 3734, 3752, and 6111. The Amended Complaint states a claim upon which relief can be granted. Venue is proper in this Court. WSH Defendants shall not challenge the Court's jurisdiction to enter or enforce this Order.

III. PARTIES BOUND

3. Defendant Warren Steel Holdings, LLC is an Ohio limited liability company with its principal place of business at 4000 Mahoning Avenue, Warren, Trumbull County, Ohio 44483.

4. Defendant Mordechai Korf is an individual person having a residential address of 2277 Sunset Drive, Miami Beach, Florida 33140 and a business address of 10750 NW 6th Court, 2nd Floor, Miami, Florida 33168.

5. This Order shall apply to and be binding only upon Mr. Korf and WSH, and, as to WSH, to the extent consistent with Civ. R. 65(D), on its agents, officers, employees, contractors, assigns, successors in interest, and those persons acting in concert, privity, or participation with WSH who receive actual notice of this Order whether by personal service, by public record filed in the county land record, or otherwise. WSH shall provide a copy of this Order to any successor in interest and

WSH Defendants shall provide a copy of this Order to each key employee, consultant, or contractor employed to perform work referenced herein or to operate the Site.

6. This Order is in settlement and compromise of disputed claims, and nothing in this Order is to be construed as an admission of any facts or liability.

7. If any Defendant files a petition for bankruptcy, the State of Ohio reserves the right to file a certificate of judgment lien against the other, non-filing Defendant, for the remaining unpaid balance of the total civil penalty, plus applicable statutory interest.

IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

8. Plaintiff alleges that WSH Defendants are responsible for violations of the solid and hazardous waste pollution control laws of the State of Ohio under R.C. Chapter 3734 and water pollution control laws of the State of Ohio under R.C. 6111. WSH Defendants deny all such allegations. Compliance with this Order shall constitute full satisfaction of any civil liability of WSH Defendants to Plaintiff for any claims that were or could have been alleged in Plaintiff's Amended Complaint. This Order shall supersede the November 13, 2017 Judgment Entry against WSH. This Order shall supersede the Amended Consent Order for Preliminary Injunction entered by this Court on October 8, 2020.

9. Nothing in this Order, including the imposition of stipulated civil penalties for violations of this Order, shall limit the authority of the State of Ohio to:

- a. Seek any legal or equitable relief or civil penalties from WSH Defendants or any other appropriate person for any claims or violations not alleged in the Amended Complaint;
- b. Seek any legal or equitable relief or civil penalties from WSH Defendants or any other appropriate person for claims, conditions, or violations that occur on or exist after the entry of this Order;

- c. Enforce this Order through a contempt action or otherwise seek relief for violations of this Order; and/or
- d. Take any future legal or equitable action against any appropriate person, including WSH Defendants, to eliminate or mitigate conditions at the Site that may present a threat to public health or welfare or to the environment in derogation of applicable laws and rules, which State of Ohio has the authority to enforce.
- e. Bring any action against WSH Defendants or against any other person, under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. §9601, et seq. and/or Revised Code 3734.20 through 3734.27 to: (1) recover natural resource damages, and/or (2) order the performance of, and/or recover costs for any removal, remedial or corrective activities not conducted pursuant to the terms of this Order.

10. This Order does not waive, abridge, settle, compromise, or otherwise impact any other claims in law or equity that the State of Ohio or other persons may have against WSH Defendants.

11. Except for the signatories to the Order, nothing in this Order shall constitute or be construed as satisfaction of civil liability, a covenant not to sue, and/or a release regarding the claims alleged, against any person not a signatory to this Order for any liability such non-signatory may have arising out of matters alleged in the Amended Complaint. The State of Ohio also specifically reserves its right to sue any person that is not a signatory to this Order.

12. Nothing in this Order shall relieve WSH Defendants of their obligations to comply with applicable federal, state, or local statutes, regulations, rules, or ordinances.

13. Nothing herein shall restrict the right of WSH Defendants to raise any administrative, legal, or equitable defense with respect to such further actions reserved by the State in this Section. However, with respect to the actions reserved by the State in Paragraph 9 of this Order, WSH Defendants shall not assert and/or maintain, any defense or claim of waiver, *res judicata*, collateral estoppel, issue preclusion, claim splitting, or other defenses based on any contention that Plaintiff's

claims in any subsequent judicial or administrative proceeding could or should have been brought in this case.

14. Nothing in this Section shall limit WSH Defendants' or any other entity's rights to appeal any final action of the Director regarding approval, denial or approval with conditions of a Closure Plan to the Environmental Review Appeals Commission.

15. If WSH Defendants fail to comply with any of the requirements of the injunctive relief related to hazardous waste compliance, the Plaintiff reserves its rights to exercise its lawful authority to require WSH Defendants to perform full closure of all hazardous waste units at the Site, pursuant to R.C. Chapter 3734.

16. WSH Defendants agree that each is jointly and severally liable for the obligations and requirements in this Consent Order, unless otherwise specified in this Consent Order.

V. PERMANENT INJUNCTION

17. In the event that an imminent and substantial threat to human health or the environment arises or is discovered while undertaking any action with respect to Section V. Permanent Injunction, WSH Defendants shall notify Ohio EPA within twenty-four (24) hours of discovery of such conditions.

18. WSH Defendants are ordered and permanently enjoined to comply fully with R.C. Chapter 3714, Chapter 3734, and Chapter 6111 and the rules promulgated thereunder.

19. WSH Defendants shall maintain the security that is currently in place at the Site until all Closure Plans are implemented in their entirety and closure is complete pursuant to the acknowledgement of Ohio EPA.

Closure of Hazardous Waste Management Units

20. In accordance with Paragraph 16 of the Amended Consent Order for Preliminary Injunction filed on October 8, 2020, WSH Defendants have prepared approvable Closure Plans for areas at the Site where hazardous waste has been stored and/or disposed as follows:

- a. melt shop water treatment area (attached at **Exhibit A**);
- b. wastewater treatment plant acid tanks (attached at **Exhibit B**);
- c. electric arc furnace dust bag house (attached at **Exhibit C**); and
- d. K061 waste pile (attached at **Exhibit D**).

WSH Defendants shall implement these Closure Plans for the Site once approved by Ohio EPA in accordance with Ohio Adm.Code 3745-55-10 through 3745-55-20, and follow the administrative processing requirements contained in Ohio Adm.Code 3745-66.

21. Within thirty (30) days of the Effective Date, WSH Defendants shall submit Exhibits A, B, C, and D.

- a. After public notice of each Closure Plan, if Ohio EPA determines that any Closure Plan is deficient and gives WSH Defendants written notice of such deficiencies, WSH Defendants are ordered and enjoined to submit to Ohio EPA a revised Closure Plan within thirty (30) days of receipt of the notice of deficiencies.
- b. Following review of a revised Closure Plan, if Ohio EPA determines that the revised Closure Plan is deficient, Ohio EPA may modify the plan and approve the revised Closure Plan as modified by Ohio EPA pursuant to Ohio Adm.Code 3745-66-12.
- c. Immediately upon receipt of notice of approval by Ohio EPA of a Closure Plan, either as originally submitted, as revised, or as revised and modified, WSH Defendants are ordered and enjoined to implement the approved Closure Plan in the manner and time frames set forth in the approved Closure Plan pursuant to Ohio Adm.Code 3745-66-13.

22. WSH Defendants are ordered and enjoined to amend any approved Closure Plan pursuant to Ohio Adm.Code 3745-66-12 whenever:

- a. Changes in operating plans or design affect the Closure Plan; or
- b. There is a change in the expected year of closure, if applicable; or
- c. In conducting partial or final closure activities, unexpected events require a modification of the Closure Plan.

23. If WSH Defendants are required to submit an amended Closure Plan to Ohio EPA, the Closure Plan shall be amended in accordance with Ohio Adm.Code 3745-66-12(C). Ohio EPA will approve, revise, or revise and modify the amended Closure Plan as set forth in Paragraph 21 , and WSH Defendants shall implement the approved amended Closure Plan as set forth in Paragraph 20 and 21(c).

24. Within sixty (60) days after completion of closure of a Hazardous Waste Management Unit, WSH Defendants are ordered and enjoined to submit certification of closure to Ohio EPA, pursuant to Ohio Adm.Code 3745-55-15 and a survey plat, pursuant to Ohio Adm.Code 3745-55-16 (if necessary).

25. All Closure Plans and any post-closure plans developed for the Site shall be enforceable under this Consent Order as though fully incorporated herein and pursuant to the post-closure requirements of Ohio Adm.Code 3745-55-17 through 3745-55-20.

26. Within 150 days after receipt of notice of approval of the Closure Plans, WSH Defendants are ordered and enjoined to submit to Ohio EPA documentation of financial assurance for closure consistent with the requirements of Ohio Adm.Code 3745-55-43 and Ohio Adm.Code 3745-55-45.

27. Within 150 days after receipt of notice of approval of the Closure Plans, WSH Defendants are ordered and enjoined to submit to Ohio EPA documentation demonstrating third party liability coverage consistent with the requirements of Ohio Adm.Code 3745-55-47.

Solid Wastes and C&DD

28. WSH Defendants are ordered and permanently enjoined to comply fully with R.C. Chapter 3714 and Chapter 3734 and the rules promulgated thereunder.

29. In accordance with Paragraph 17 of the Amended Consent Order for Preliminary Injunction filed on October 8, 2020, WSH Defendants have prepared a Solid Waste Management Plan to address all solid waste and C&DD at the Site pursuant to R.C. 3734 and 3714. This Solid Waste Management Plan is attached at **Exhibit E**.

30. Upon the Effective Date of this Consent Order, WSH Defendants are ordered to implement the Solid Waste Management Plan in accordance with the deadlines set forth in the Solid Waste Management Plan.

Surface Water

31. WSH Defendants are ordered and permanently enjoined to comply fully with R.C. Chapter 6111 and the rules promulgated thereunder.

32. In accordance with Paragraph 18 of the Amended Consent Order for Preliminary Injunction filed on October 8, 2020, WSH Defendants have prepared an approved plan to manage the materials in the lagoon systems, the mechanical wastewater treatment tanks, and the treatment works, or other wastes relating to the lagoon systems, mechanical wastewater treatment tanks and the treatment works as defined in R.C. 6111.01(D), Ohio Adm.Code 3734-52-11 and 3745-54-13 ("Lagoon and WWTP Management Plan"). This Lagoon and WWTP Management Plan is attached at **Exhibit F**.

33. Upon the Effective Date of this Consent Order, WSH Defendants shall execute the Lagoon and WWTP Management Plan in accordance with the compliance the following schedule:

- a. Within six (6) months of the Effective Date of this Order, WSH Defendants shall submit complete and approvable Permit to Install (PTI) and National Pollutant Discharge Elimination System (NPDES) permit applications.
- b. Within thirty (30) days of receipt of notification from Ohio EPA, WSH Defendants shall provide Ohio EPA a response addressing any comments or deficiencies.
- c. WSH Defendants shall complete construction and closure of the lagoons in accordance with the approved PTI by January 1, 2024.

Cessation of Regulated Operations

34. WSH Defendants are ordered and permanently enjoined to comply fully with R.C. Chapter 3752 and the rules promulgated thereunder and Ohio Adm. Code 3745-352, including but not limited to, R.C. 3752.07 Security.

35. In accordance with Paragraphs 19 of the Amended Consent Order for Preliminary Injunction filed on October 8, 2020, WSH Defendants have prepared a Cessation of Regulated Operations Plan to address regulated substances at the Site including evaluation of all containers, tanks, piping, equipment and other materials regulated under to R.C. 3752 and the rules promulgated thereunder ("CRO Plan"). This CRO Plan is attached at **Exhibit G**.

36. Upon the Effective Date of this Consent Order, WSH Defendants shall execute the Cessation of Regulated Operations Plan in accordance with the compliance schedule set forth in the Plan.

VI. CIVIL PENALTY

37. Under R.C. 3734.13 and R.C. 6111.09, WSH Defendants are ordered to jointly and severally pay a civil penalty of \$1,122,852.57, subject to the provisions in the Section.

- a. By no later than thirty (30) days following entry of this Order, a payment of \$622,852.57 shall be made by delivering to Sandra Finan, Paralegal, or her successor, Office of the Attorney General, 30 E. Broad St., 25th Floor, Columbus, Ohio 43215, a certified check or checks for the appropriate amount, payable to the order of "Treasurer, State of Ohio" or by wire as directed by the State. This \$622,852.57 penalty amount may be paid by WSH Defendants to the State in one sum but shall be split as follows:
 - i. \$472,852 for the violations set forth in Counts One through Thirteen of the Complaint, which, pursuant to R.C. 3734.13(C), will be deposited into the state treasury to the credit of the Environmental Protection Remediation Fund created in R.C. 3734.281; and
 - ii. \$150,000.57 for the violations set forth in Counts Fourteen through Sixteen of the Complaint, which, pursuant to R.C. 6111.09(A), will be deposited into the state treasury to the credit of the Water Pollution Control Administration Fund created in R.C. 3745.22 and R.C. 6111.09(B).
- b. By no later than thirty (30) days following entry of this Order, in lieu of paying the remainder of the \$1,122,852.57 civil penalty, \$500,000 will be transferred by WSH Defendants to an interest-bearing account owned and managed by the recipient of the Supplemental Environmental Project (SEP) funds, Eastgate Regional Council of Governments, City Center One Building, 100 East Federal Street, Suite 1000, Youngstown, OH 44503, c/o Michele Ballone, C.P.A. Such payment shall be made by secure wire transfer or by alternative method otherwise acceptable to the Eastgate Regional Council of Governments. These funds shall be utilized solely for the purpose of improving public health and wellness in and around the Warren, Ohio community and/or for the protection, conservation, preservations, and enhancement of the air, water, public lands and natural resources in and around Warren, Ohio. One of WSH Defendants or their counsel shall via email correspondence verify transfer of these funds to counsel for Plaintiff upon their transfer.
- c. This Order does not place any responsibility or obligation on the WSH Defendants to oversee or manage the SEP recipient or monitor how the SEP recipient spends the funds.

38. If full payment of the civil penalty and any other amount due under this Consent Order is not received by the State in accordance with the terms of this Consent Order, the remaining unpaid balance of the total civil penalty and any other amount due, plus applicable interest under R.C. 131.02(D), shall become immediately due and owing. The remaining unpaid balance delinquent payments shall accrue interest at the rate per annum required by R.C. 5703.47 calculated from the Effective Date of this Order.

39. If any amount is not paid in accordance with the terms of this Consent Order, the Attorney General may collect that amount under R.C. 131.02. Pursuant to R.C. 109.081, in addition to the outstanding balance due under this Consent Order, collection costs of ten percent shall be owing and fully recoverable from WSH Defendants to be paid into the State Treasury to the credit of the Attorney General Claims Fund.

40. The State reserves the right to file a certificate of judgment lien against WSH Defendants for the remaining unpaid balance of the total civil penalty, plus applicable statutory interest and collection costs, if the full civil penalty payment is not paid according to the schedule in this Order. WSH Defendants shall not be permitted to claim a force majeure as an excuse for any untimely payment or partial payment of an amount less than the full civil penalty as specified in this Order.

41. If any Defendant files a petition for bankruptcy, the State of Ohio reserves the right to file a certificate of judgment lien against the other, non-filing Defendant, for the remaining unpaid balance of the total civil penalty, plus applicable statutory interest.

42. Upon payment of the total amount of \$1,122,852.57, the State will issue the release of the lien filed in case number 2018 JL 273168.

VII. STIPULATED PENALTIES

43. If WSH Defendants fail to comply with any of the requirements of this Order, except in the circumstance of a force majeure claim that is raised in accordance with the terms of Section XV of this Order and is subsequently agreed to by the State, WSH Defendants shall immediately and automatically be jointly and severally liable for and shall pay stipulated penalties under the following schedule for each failure to comply:

- a. WSH Defendants shall pay three hundred dollars (\$300.00) per day for each day any requirement of this Order is violated up to the first thirty (30) days of violation;
- b. For each day any requirement of this Order is violated between thirty (30) days and ninety (90) days of violation, WSH Defendants shall pay six hundred dollars (\$600.00) per day;
- c. For each day any requirement of this Order is violated greater than (90) days of violation, WSH Defendants shall pay one thousand dollars (\$1,000.00) per day.

44. Except in the circumstance of a force majeure claim that is raised in accordance with the terms of Section XV of this Order and are subsequently agreed to by the State, stipulated penalties due under this Order shall be immediately due and owing without demand by the State and shall be paid by check or money order, payable to “Treasurer, State of Ohio” and delivered to Sandra Finan, Paralegal, or her successor at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215.

45. WSH Defendants’ payment and Plaintiff’s acceptance of such stipulated penalties under this Section shall not be construed to limit Plaintiff’s authority, without exception, to seek: 1) additional relief under R.C. Chapter 3734 and R.C. 6111 including civil penalties under R.C. 3734.13 and R.C. 6111.09; 2) judicial enforcement of this Order for the same violations for which a stipulated penalty was paid; or 3) sanctions for additional remedies, civil, criminal, or

administrative, for violations of applicable laws. Further, payment of stipulated penalties by WSH Defendants shall not be an admission of liability by WSH Defendants.

VIII. COMPLIANCE NOT DEPENDENT ON GRANTS OR LOANS

46. Performance of the terms of this Order by WSH Defendants is not conditioned on the receipt of any private, Federal or State grants, loans, and/or funds. In addition, WSH Defendants' performance is not excused by failing to obtain or any shortfall of any private, Federal or State grants, loans and/or funds or by the processing of any applications for the same.

IX. FACILITY ACCESS

47. As of the Effective Date, Ohio EPA and its representatives and contractors shall have access at reasonable times to the Site, and shall have access to any other property controlled by or available to WSH Defendants to which access is necessary to effectuate the actions required by this Order. Access shall be allowed for the purposes of conducting activities related to this Order including but not limited to:

- a. Monitoring the work or any other activities taking place at the Site;
- b. Verifying any data or information submitted to Ohio EPA;
- c. Conducting investigations relating to contamination at or near the Site;
- d. Obtaining samples;
- e. Assessing the need for, planning, or implementing additional response actions at or near the Site;
- f. Inspecting and copying records, operating logs, contracts or other documents maintained or generated by WSH Defendants or their agents, consistent with this Order and applicable law; or
- g. Assessing WSH Defendants' compliance with this Order.

Nothing in this Order shall be construed to limit the statutory authority of the Director or her authorized representatives to enter at reasonable times upon the Site or any other private or public property, real or personal, to inspect or investigate, obtain samples and examine or copy any records to determine compliance with R.C. Chapters 3734 and 6111.

48. Provide access to the Site by Ohio EPA and its representatives and contractors so that any necessary cleanup, remedial work, and/or security is conducted at the Site to abate or prevent water pollution and soil contamination and to protect public health or safety in accordance with R.C. 3734.20(B), R.C. 3734. 12, and R.C. 3752.13.

X. SUBMITTAL OF DOCUMENTS

49. All documents required to be submitted to Ohio EPA pursuant to this Order shall be submitted to the following addresses, or to such addresses as Ohio EPA may hereafter designate in writing. Document submittal may be done using the email addresses of the individuals listed below. If documents are too large for email submission, an alternative electronic file transfer may be used as agreed upon by the Parties.

Hazardous Waste
Ohio EPA
Northeast District Office
Division of Environmental Response and Revitalization
Hazardous Waste Program
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Frank Zingales
Frank.Zingales@epa.ohio.gov

Solid Waste
Ohio EPA
Northeast District Office
Division of Materials and Waste Management
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Karen Naples
Karen.Naples@epa.ohio.gov

Surface Water
Ohio EPA
Northeast District Office
Division of Surface Water
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Dean Stoll
Dean.Stoll@epa.ohio.gov

XI. EFFECT OF ORDER

50. This Order does not constitute authorization or approval of the construction, installation, modification, or operation of any hazardous waste facility, or any building, structure, facility, facility component, operation, installation, disposal or storage site, other physical facility, or real or personal property that stores, discharges, or otherwise manages or hazardous waste not previously approved by Ohio EPA. Approval for any such construction, installation, modification, or operation 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.

51. This Order does not constitute authorization or approval of the construction, installation, modification, or operation of any waste and material management facility under R.C. Chapter 3734 not previously approved by Ohio EPA. Approval for any such construction, installation, modification, or operation 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.

52. This Order does not constitute authorization, certification, or approval of the construction, installation, modification, or operation of any water pollution source under R.C. Chapter 6111. Approval for any such certification, construction, installation, modification, or operation 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.

XII. MODIFICATION

53. No modification shall be made to this Order without the written agreement of Parties and the Court.

XIII. MISCELLANEOUS

54. Nothing in this Order shall affect WSH Defendants' obligation to comply with all applicable federal, state or local laws, regulations, rules, ordinances, or orders.

55. Any acceptance by the State of Ohio of any payment, document, or other work due subsequent to the time that the obligation is due under this Order shall not relieve WSH Defendants from the obligations created by this Order.

56. Defendant Mordechai Korf shall inform the Ohio EPA of any change of his personal address and Defendant Warren Steel Holdings, LLC shall inform Ohio EPA of any change in Registered Agents' address and business addresses or telephone numbers, or the cessation of the business that is the subject of this action.

XIV. RETENTION OF JURISDICTION

57. This Court shall retain jurisdiction for the purpose of administering and enforcing this Order.

XV. POTENTIAL FORCE MAJEURE

58. If any event occurs that causes or may cause a delay of any requirements of this Consent Order, WSH Defendants shall notify Ohio EPA in writing within fourteen (14) days of the event, describing in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by WSH Defendants to prevent or minimize the delay, and the timetable by which measures will be implemented. WSH Defendants shall adopt all reasonable measures to avoid or minimize any such delay.

59. In any action by Plaintiff to enforce any provision of this Consent Order, WSH Defendants may raise that it is entitled to a defense that its conduct was caused by reasons entirely beyond its control such as, by way of example and not limitations, acts of God, strikes, acts of war or civil disturbances. While Plaintiff does not agree that such a defense exists, it is, however, hereby agreed upon by WSH Defendants and Plaintiff that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate time at which to adjudicate the existence of such a defense is when an enforcement action, if any, is commenced by the Plaintiff. If such action is commenced, WSH Defendants shall bear the burden of proving that any delay was caused by circumstances entirely beyond its control.

60. Unanticipated or increased costs associated with the implementation of any requirement of this Consent Order, or changed financial circumstances, shall not constitute circumstances entirely

beyond the control of WSH Defendants or serve as a basis for an extension of time under this Consent Order. Failure by WSH Defendants to comply with the notice requirements of this Section shall render this Section void and of no force and effect as to the particular incident involved. It shall be at the option of Plaintiff to construe the failure as a waiver of WSH Defendant's right to request an extension of its obligations under this Consent Order based on such incident. An extension of one date based on a particular incident does not mean that WSH Defendants qualify for an extension of a subsequent date or dates. WSH Defendants must make an individual showing of proof regarding each incremental step or other requirement for which an extension is sought. Acceptance of this Consent Order with a Potential Force Majeure Clause does not constitute a waiver by WSH Defendants of any rights or defenses it may have under applicable law.

61. WSH Defendants have provided schedules and dates for completion of work in the Closure Plans, CRO Plan, Solid Waste Management Plan and Lagoon and WWTP Management Plan. The Parties recognize that WSH Defendants have committed to a substantial amount of work under those plans and that such work may take up to three (3) years to complete. While WSH Defendants must comply with any requirements to document or demonstrate Force Majeure events pursuant to this Section that may impact the requirements of this Consent Order, the Parties agree to negotiate in good faith with respect to modifications in the schedules set forth in the Closure Plans, CRO Plan, Solid Waste Management Plan and Lagoon and WWTP Management Plan that will not extend the completion of the work beyond the third anniversary of the Effective Date, without the need to formally invoke the Force Majeure provisions of this Section or seek leave of the Court to modify such schedules. Any agreements to modify or extend the schedules set forth in the Closure Plans, CRO Plan, Solid Waste Management Plan and Lagoon and WWTP Management Plan,

pursuant to this Paragraph, must be made my WSH Defendants in writing and agreed to by Ohio EPA in writing.

XVI. ENTRY OF ORDER AND FINAL JUDGMENT BY CLERK

62. Under Rule 58 of the Ohio Rules of Civil Procedure, upon signing this Order by the Court, the Clerk is directed to enter it upon the journal. Within three (3) 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 Civ.R. 5(B) and note the service in the appearance docket. The failure of the Clerk to serve notice does not affect the validity of this Order.

63. In regards to the surface water issues at the Site, the parties agree and acknowledge that final approval by Plaintiff and WSH Defendants and entry of this Order is subject to the requirements of 40 C.F.R. 123.27 (d)(2)(iii), which provides for notice of the lodging of the Order, opportunity for public comment, and the consideration of any public comments. Both Plaintiff and WSH Defendants reserve the right to withdraw this Order based on comments received during the public comment period.

XVII. COURT COSTS

64. WSH Defendants are ordered to pay all court costs of this action.

XVIII. TERMINATION OF ORDER

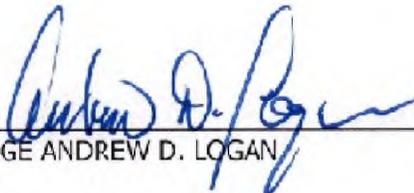
65. This Order shall terminate upon joint motion of the Parties, and approval of the Court, following completion of all activities required under this Order.

XIX. AUTHORITY TO ENTER INTO THE ORDER

66. Each signatory represents and warrants he has been duly authorized to sign this document and is fully authorized to agree to its terms and conditions, and, in the case of a person signing on behalf of a corporate entity, may so legally bind the corporate entity to all terms and conditions in this document. By signing this Order, each signatory waives all rights of service of process for the underlying Amended Complaint.

By agreement of the parties, the exhibits referenced herein shall be docketed as EXHIBITS and NOT attached to this Order. Due to the voluminous nature of the exhibits, the Clerk of Court is NOT required to serve each party with the exhibits by agreement of the parties. Furthermore, due to the voluminous nature of the exhibits, the EXHIBITS shall be docketed and maintained in the paper form by the Clerk of Court and are hereby exempted from e-filing.

IT IS SO ORDERED.



JUDGE ANDREW D. LOGAN

TO THE CLERK OF COURTS: You Are Ordered to Serve Copies of this Judgment on all Counsel of Record or Upon the Parties who are Unrepresented Forthwith by Electronic Mail / Ordinary Mail. *WITH THE EXCEPTION NOTED IN THE ORDER REGARDING THE EXHIBITS*



JUDGE ANDREW D. LOGAN

APPROVED AND AGREED TO BY:

**DAVE YOST
OHIO ATTORNEY GENERAL**

MORDECHAI KORF

Mordechai Korf
Defendant

Douglas B. Sanders
Baker & McKenzie LLP
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Counsel for Defendant Mordechai Korf

WARREN STEEL HOLDINGS, LLC

Mordechai Korf, President

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Catherine.English@OhioAttorneyGeneral.gov
Counsel for Plaintiff, the State of Ohio

Attached Exhibits

- Exhibit A: Melt Shop Water Treatment Area Closure Plan**
- Exhibit B: WWTP Acid Tanks Closure Plan**
- Exhibit C: Electric Arc Furnace Dust Bag House Closure Plan**
- Exhibit D: K061 Waste Pile Closure Plan**
- Exhibit E: Solid Waste Management Plan**
- Exhibit F: Lagoon and WWTP Management Plan**
- Exhibit G: Cessation of Regulated Operations Plan**

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO, <i>ex rel.</i>	:	CASE NO. 2016 CV 00124
DAVE YOST	:	
OHIO ATTORNEY GENERAL,	:	
	:	JUDGE ANDREW D. LOGAN
Plaintiff,	:	
	:	
v.	:	
	:	NUNC PRO TUNC
WARREN STEEL	:	SUPPLEMENT WITH ORIGINAL
HOLDINGS, LLC, <i>et al.</i> ,	:	SIGNATURES TO CONSENT
	:	ENTRY
Defendants.	:	

The Court hereby supplements the attached original signatures of the parties and counsel to the Consent Entry previously filed in this matter. This Nunc Pro Tunc Entry shall be considered part of the original Consent Entry entered in this matter on August 20, 2021.

IT IS SO ORDERED.

Date: August 23, 2021



JUDGE ANDREW D. LOGAN

IT IS SO ORDERED.

JUDGE ANDREW D. LOGAN

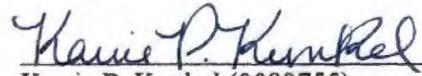
DATE

APPROVED AND AGREED TO BY:

MORDECHAI KORF

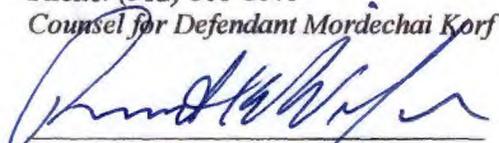
**DAVE YOST
OHIO ATTORNEY GENERAL**

Mordechai Korf
Defendant



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WARREN STEEL HOLDINGS, LLC

Mordechai Korf, President

IT IS SO ORDERED.

JUDGE ANDREW D. LOGAN

DATE

APPROVED AND AGREED TO BY:

MORDECHAI KORF

**DAVE YOST
OHIO ATTORNEY GENERAL**

Mordechai Korf
Defendant



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WARREN STEEL HOLDINGS, LLC

Mordechai Korf, President

IT IS SO ORDERED.

JUDGE ANDREW D. LOGAN

DATE

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