



IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

DEC 23 PM 12:38
COURTS
CO., OHIO

STATE OF OHIO, ex rel.
JIM PETRO,
ATTORNEY GENERAL OF OHIO
Environmental Enforcement Section
30 E. Broad Street, 25th Floor
Columbus, Ohio 43215

CASE NO.

03-9409

JUDGE

Plaintiff,

v.

CONSENT ORDER AND
FINAL JUDGMENT ENTRY

MULLINS RUBBER PRODUCTS, INC
2949 Valley Street
P.O. Box 31077
Riverside, Ohio 45437

Defendant.

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Jim Petro (hereinafter "Plaintiff") and Defendant Mullins Rubber Products, Inc. (hereinafter "Defendant" or "Mullins") 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

As used in this Order, the following terms are defined as follows

- a "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(D) and 3745-35-01(B)(1).

- b. "Consent Order" or "Order" means this Consent Order and Final Judgment Entry.
- c. "Facility" means Defendant's rubber mixing and molding facility located at 2949 Valley Street, Riverside, Montgomery County, Ohio.
- d. "Ohio EPA" means the Ohio Environmental Protection Agency.
- e. "Permit to Install" or "PTI" has the same meaning as set forth in Ohio Adm. Code Chapter 3745-31.
- f. "Permit to Operate" or "PTO" has the same meaning as set forth in Ohio Adm. Code Chapter 3745-35.
- g. "Title V Permit" has the same meaning as set forth in Ohio Adm. Code Chapter 3745-77.

II. JURISDICTION AND VENUE

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

III. PARTIES

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, and/or successors in interest.

IV. SATISFACTION OF LAWSUIT

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. PERMANENT INJUNCTION

6. Defendant agrees and is hereby enjoined and ordered to comply with R.C. Chapter 3704 and the regulations adopted thereunder with respect to all air contaminant sources at the Facility. Further, Defendant agrees and is enjoined to comply with all terms and conditions of any existing and/or future Permit to Install, Permit to Operate, or Title V Permit issued to its Facility and any subsequent renewals or modifications thereof.

VI. CIVIL PENALTY

7. Pursuant to R.C. 3704.06, Defendant shall pay to the State of Ohio a total civil penalty of one hundred fifty thousand and 00/100 dollars (\$150,000.00), which shall be paid as follows

- a. Within thirty (30) days of the filing date of this Consent Order, Defendant shall deliver a certified check for one hundred fifty thousand and 00/100 dollars (\$150,000.00), made payable to the order of "Treasurer, State of Ohio," to the address stated in paragraph 7(b) of this Consent Order
- b. All certified checks required under this paragraph shall be delivered to:

Jena Suhadolnik, Administrative Assistant
Office of the Attorney General of Ohio
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, OH 43215-3428

VII. STIPULATED PENALTIES

8. In the event that Defendant violates any requirement of this Consent Order, Defendant shall immediately be liable to the State of Ohio for payment of stipulated penalties, without prior demand by the State of Ohio, in the amount of one thousand dollars and 00/100 (\$1,000.00) per each day of each violation. Any such stipulated penalty shall be paid by delivering to Jena Suhadolnik, Administrative Assistant (or her successor), at the address in paragraph 7(b) above, a certified check for the appropriate amount immediately upon the date of the violation, made payable to the Order of "Treasurer, State of Ohio. The imposition, payment and collection of stipulated penalties pursuant to violations of this Order shall not prevent the State from pursuing additional civil, criminal, or administrative remedies for violations of applicable laws.

VIII. TERMINATION

9. No earlier than two (2) years from the entry of this Consent Order, Defendant may move the Court, pursuant to Civ. R. 60(B), to terminate this Consent Order if Defendant can demonstrate that it has been in compliance with the obligations of this Consent Order for such two (2) year period. The Plaintiff takes no position at this time as to such motion and reserves any rights it may have to oppose the motion including the basis that two (2) years is, in actuality, not an appropriate time period.

IX. RETENTION OF JURISDICTION

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

X. COSTS

Defendant is hereby Ordered to pay the court costs of this action.

XI ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

12 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

XII AUTHORITY TO ENTER INTO THE CONSENT ORDER

12 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

12-29-03
DATE

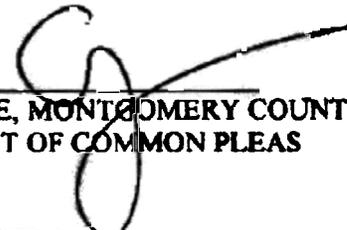
APPROVED

COOLIDGE, WALL, WOMSLEY,
& LOMBARDI CO., L P A.

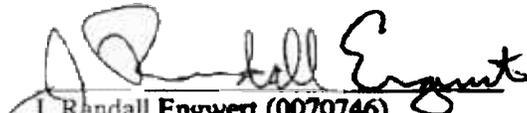

Timothy Hoffman (0006311)
33 West First Street, Suite 600
Dayton, Ohio 45402
(937) 223-8177
Attorney for Defendant
Mullins Rubber Products, Inc.

MULLINS RUBBER PRODUCTS, INC


William Mullins, Sr.
Mullins Rubber Products, Inc


JUDGE, MONTGOMERY COUNTY
COURT OF COMMON PLEAS

JIM PETRO
ATTORNEY GENERAL OF OHIO


J. Randall Engwert (0070746)
John K. McManus (0037140)
Assistant Attorneys General
30 East Broad Street, 25th Floor
Columbus, Ohio 43215
(614) 466-2766
Attorneys for Plaintiff,
State of Ohio