

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

2009 JUN -8 A 9:46.0
FRANKLIN COUNTY MUNICIPAL COURT

STATE OF OHIO, ex rel. : Case No. 2002-EVH-060329
RICHARD CORDRAY :
OHIO ATTORNEY GENERAL : Judge Harland H. Hale
 :
Plaintiff, :
 :
v. :
 :
CONTAINER RECYCLERS, INC., :
et al. (dba Columbus Steel Drum), :
 :
Defendants. :

AMENDMENTS TO THE CONSENT ORDER

The Complaint in the above-captioned matter has previously been filed. Plaintiff State of Ohio by its Attorney General Richard Cordray (hereinafter referred to as "Plaintiff") and Defendants Container Recyclers, Inc., *et al.* (dba Columbus Steel Drum) (hereinafter referred to as "Defendants") have consented to amend the Consent Order that was initially filed in this matter on July 6, 2005. The Consent Order filed on July 6, 2005 (hereinafter referred to as "Consent Order") is hereby amended, incorporated by reference, and attached hereto as if fully rewritten herein.

NOW THEREFORE, upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED, AND DECREED that the Consent Order is amended as stated below:

VIII. CIVIL PENALTY

Paragraph 54 is amended as follows:

C. Defendants shall pay \$100,000 in civil penalties in accordance with the following schedule: \$25,000 on or before July 1, 2009; \$25,000 on or before September 1, 2009;

\$25,000 on or before November 1, 2009; and \$25,000 on or before December 1, 2009. The payment shall be credited by Ohio EPA to its accounts in the following fashion:

1. \$85,000 shall be credited to the environmental education fund and the air pollution control administration fund in accordance with R.C. 3704.06.
2. \$9,000 shall be credited to the hazardous waste cleanup fund in accordance with R.C. 3734.13.
3. \$6,000 shall be credited to the environmental education fund and the water pollution control administration fund in accordance with R.C. 6111.09.

X. STIPULATED PENALTIES

Paragraph 63 is amended as follows:

A. The parties agree to resolve, as set forth in paragraph 63(B), the disputes regarding past noncompliance with the PTI application compliance schedule provided in Paragraph 10, the lid requirement for waste paint buckets in Paragraph 26, and the control efficiency requirement in Paragraph 27 of the Consent Order.

B. Defendants are ordered to pay stipulated penalties of \$87,050. The stipulated penalties shall be paid in accordance with the following schedule:

1. Defendants shall pay a total of \$21,762.50 to the Clean Diesel School Bus Program Supplemental Environmental Project described in Paragraph 56 of the Consent Order. Payments shall be made in two equal installments as follows: \$10,881.25 on or before June 5, 2009, and

\$10,881.25 on or before July 17, 2009. A copy of these checks shall be mailed to:

Ohio Environmental Protection Agency
Division of Air Pollution Control
Attn: James Orlemann, Enforcement Coordinator
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

2. Defendants shall pay the remaining \$65,287.50 in three equal installments as follows: \$21,762.50 on or before October 23, 2009; \$21,762.50 on or before January 18, 2010; and \$21,762.50 on or before April 16, 2010.

XIII. RETENTION OF JURISDICTION

Paragraph 66 is amended as follows:

66. The Court will retain jurisdiction over this action for the purpose of enforcing and administering Defendants' compliance with the Consent Order and the Amendments to the Consent Order. The Court will retain jurisdiction for the purpose of interpretation of the Consent Order and the Amendments to the Consent Order should any disagreement arise between the parties.

XVIII. AUTHORITY TO ENTER INTO THE CONSENT ORDER

Paragraph 77 is amended as follows:

77. Each signatory for a corporation represents and warrants that he or she has been duly authorized to sign this document and so bind the corporation to all terms and conditions thereof. The undersigned is a representative of Defendants and understands the terms and conditions of the Amendments to the Consent Order and certifies that he or she

is fully authorized to enter into the terms and conditions of the Amendments to the Consent Order and legally bind Defendants to this document.

IT IS SO ORDERED:


JUDGE HALE
FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

6/8/09
Date

APPROVED:

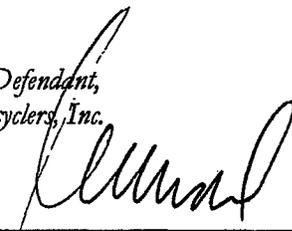
RICHARD CORDRAY
OHIO ATTORNEY GENERAL

By: 
THEODORE J. SCHNEIDER (0059636)
Murdock Goldenberg Schneider & Groh,
LPA
35 East Seventh Street, Suite 600
Cincinnati, OH 45202
Telephone: (513) 345-8291
Facsimile: (513) 345-8294

By: 
GREGG H. BACHMANN (0039531)
THADDEUS H. DRISCOLL (0083962)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street - 25th Floor
Columbus, OH 43215
Telephone: (614) 466-2766
Facsimile: (614) 644-1926

*Attorney for Defendant,
Container Recyclers, Inc.*

*Attorneys for Plaintiff,
State of Ohio*

By: 
Its: M.A. Heger
Authorized Representative of Container Recyclers, Inc.