

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO  
CIVIL DIVISION

FILED  
COMMON PLEAS  
FRANKLIN CO. OHIO

2011 AUG -8 PM 2: 09

STATE OF OHIO, *ex rel.* DEWINE  
ATTORNEY GENERAL OF OHIO

Plaintiff,

v.

INLAND PRODUCTS, INC., *et al.*

Defendants.

: CASE NO. 09-CVH-18736

: JUDGE COCROFT

: THIS IS REFILED CASE

: #07-CVH-15525

: TERMINATION NO: 18

: BY: AEF 8-8-11

: FINAL APPEALABLE ORDER

CLERK OF COURTS

**CONSENT ORDER AND FINAL JUDGMENT ENTRY**

Plaintiff, the State of Ohio, on relation of its Attorney General ("Plaintiff"), and at the written request of the Director of Environmental Protection, filed a Complaint seeking civil penalties from Defendants Inland Products, Inc. and Gary H. Baas ("Defendants") for violations of Revised Code ("R.C.") Chapter 3704 and the rules promulgated thereunder.

Therefore, without the trial, admission, or determination of any issue of fact or law, and upon the consent of the parties hereto, 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 Defendants' rendering operations located at 599 Frank Road, Columbus, Ohio.
  - b. "Ohio EPA" means the Ohio Environmental Protection Agency.
  - c. "Director" means the Director of the Ohio Environmental Protection Agency.

**II. JURISDICTION AND VENUE**

2. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim for which relief can be granted pursuant to R.C. Chapter 3704. Venue is proper in this Court.

**III. PERSONS BOUND**

3. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and, to the extent provided by Civ.R. 65(D), their officers, agents, servants, employees, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Consent Order whether by personal service or otherwise.

**IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS**

4. Completion of the terms of this Consent Order shall constitute full satisfaction of any civil and administrative liability of Defendants to Plaintiff for all claims alleged in Plaintiff's Complaint and the previously filed Complaint under case number #07-CVH-15525.

5. This Consent Order shall not be construed to limit the authority of Plaintiff to seek relief for violations not alleged in the Complaint, nor shall this Consent Order bar the State of Ohio from bringing any action against Defendants for any violations that occur after the entry of this Consent Order. Nothing in this Consent Order shall be construed to relieve Defendants of their obligations to comply with applicable federal, State or local statutes, regulations, or ordinances.

**V. CIVIL PENALTY**

6. Pursuant to and in accordance with R.C. 3704.06, Defendants are enjoined and ordered to pay a total civil penalty of Two Hundred Twenty Thousand Dollars (\$220,000.00) to the State of Ohio. Such penalty shall be paid as follows:

- a. Within 90 days of entry of this Consent Order, Defendants shall pay One Hundred Seventy-Six Thousand Dollars (\$176,000). The payment shall be by

cashier's or certified checks payable to the order of "Treasurer, State of Ohio" and delivered to Karen Pierson or her successor, Paralegal, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400. The memorandum portion of the checks, or some other prominent location on the transmittal letters or documentation, shall include a reference to "A.G. EAGO No. 311711."

- b. Also within 90 days of entry of this Consent Order, Defendants shall pay the remaining *Forty-Four Thousand Dollars (\$44,000.00)* to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). The payment shall be by cashier's or certified check payable to the order of "Treasurer, State of Ohio" and specifying that such monies be deposited in Fund 5CD0 established by Ohio EPA for the Clean Diesel School Bus Program. The check, together with a letter identifying the Defendants, shall be delivered to Karen Pierson or her successor, Paralegal, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400. The memorandum portion of the checks, or some other prominent location on the transmittal letters or documentation, shall include a reference to "A.G. EAGO No. 311711."

#### **VI. STIPULATED PENALTIES**

7. If Defendants fail to comply with any requirement or deadline contained in Section V of this Consent Order, Defendants are liable for and shall 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.

8. If Defendants fail to meet any of the requirements set forth in Section V of this Consent Order, Defendants shall immediately be liable for payment of stipulated penalties imposed by this Consent Order without prior demand by or notice from the State of Ohio. Payment of all stipulated penalties shall be paid by the Defendants by its delivering to Plaintiff, c/o Karen Pierson or her successor, Paralegal, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215, a certified check in that amount, payable to the order of "Treasurer, State of Ohio," immediately upon the occurrence of the violation giving rise to the penalty.

9. The imposition, payment, and collection of stipulated penalties pursuant to this Consent Order shall not prevent Plaintiff from pursuing additional remedies, civil, criminal, or administrative, for violations of applicable laws.

#### **VII. SUBMITTAL OF DOCUMENTS**

10. All documents required to be submitted to Ohio EPA and the Central District Office of Ohio EPA pursuant to this Consent Order shall be submitted to the following addresses:

Ohio Environmental Protection Agency  
Division of Air Pollution Control

Attn: Tom Kalman  
Acting Assistant Chief, SIP Development & Enforcement Section  
Lazarus Government Center  
50 West Town Street  
Columbus, Ohio 43215

Ohio Environmental Protection Agency  
Division of Air Pollution Control, Central District Office  
Attn: Adam Ward  
Lazarus Government Center  
50 West Town Street  
Columbus, Ohio 43215

or to such addresses as Ohio EPA may hereafter designate in writing.

#### **VIII. TERMINATION OF CONSENT ORDER**

11. The terms and conditions of the Consent Order shall continue until Defendants have complied with all obligations set forth in Section V and Section VI of this Consent Order. Termination of any or all of the provisions of this Consent Order may also be granted by the Court, upon a unilateral motion of Defendants or a joint motion of the parties in accordance with Civ.R. 60(B)(4).

#### **IX. RETENTION OF JURISDICTION**

12. The Court will retain jurisdiction of this action for purposes of enforcing this Consent Order.

#### **X. COURT COSTS**

13. Defendants are hereby ordered to pay all court costs of this action.

#### **XI. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK**

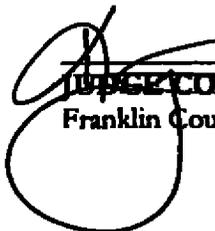
14. Pursuant to Civ.R. 58, upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the clerk is directed to serve upon all parties, notice of the judgment and its date of entry upon the journal in the manner prescribed by Civ.R. 5(B) and note the service in the appearance docket.

**XII. AUTHORITY TO ENTER INTO THE CONSENT ORDER**

15. Each signatory for Defendants 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.**

8/4/11  
DATE

  
\_\_\_\_\_  
**JUDGE COCROFT**  
Franklin County Court of Common Pleas

**APPROVED:**

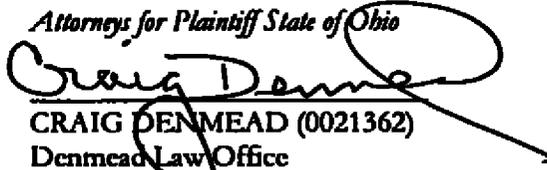
Respectfully submitted,

MICHAEL DEWINE  
OHIO ATTORNEY GENERAL



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H. Baas, individually.*

  
Gary H. Baas

*President  
Inland Products, Inc.*

