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IN THE COURT OF COMMON PLEAS
HARDIN COUNTY, OHIO

LORI J. STEVENSON
CLERK

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

Plaintiff,

v.

KING-OHIO FORGE, INC., *et al.*

Defendant.

CASE NO. CVH 2006 1253

JUDGE: WILLIAM D. HART

ENTRY

Pursuant to this Court's entry of May 23, 2007, the Parties appeared for a Status Conference on July 12, 2007 regarding Specific Orders as to compliance with EPA regulations. Subsequent to the July 12, 2007 Status Conference the Parties met to further discuss the Specific Orders and presented the Court with proposed orders for the removal of the containerized materials located at the King-Ohio Forge, Inc. property (the "Property"). As to a separate but related matter, the Parties have further advised the Court that the Parties have entered into a Joint Stipulation and Settlement Agreement that will be filed with the Environmental Review Appeals Commission and result in the dismissal of King-Ohio Forge, Inc.'s appeal that is pending before that commission. As a result, this Court no longer needs to defer its ruling on Plaintiff's claims pertaining to the materials in Groups 1, 1a and 1c.

As a result of the foregoing, this Court hereby Orders the following:

1. Within forty-five (45) days of the date of this Entry, King-Ohio Forge, Inc. shall remove all of the containerized materials (including the materials contained in the drums, totes, press pits and Wash UST) that are located at the Property, with the exception of the containers that are identified below in paragraphs 2 and 3. The materials that are subject to this Order shall be placed in bulk containers and sent off-site under hazardous waste manifests for all of the following waste codes: D001 and D004 through D043. These materials shall be transported to a permitted hazardous waste facility.

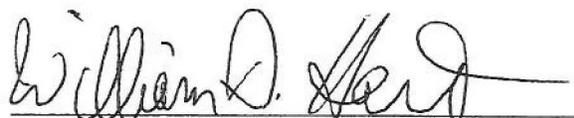
2. The materials in drums 5068, 5071 and 5072 may be managed by King-Ohio Forge as an Ethylene Glycol product.

3. Plaintiff acknowledges that the underground storage tanks ("USTs") that are referred to as the west/north UST, the west/south UST and the gasoline UST are not part of the Plaintiff's claims. Thus, these USTs are not subject to this Order.

4. King-Ohio Forge, Inc.'s implementation of the above Orders shall not be deemed to be an admission by King-Ohio Forge, Inc. to any of the claims made by Plaintiff, including without limitation that the materials removed from the Property are hazardous waste.

5. Consistent with this Court Entry of July 13, 2007, the Court Orders the case mediated for any remaining relief requested by the Plaintiff.

IT IS SO ORDERED.


JUDGE WILLIAM D. HART

cc: Daniel J. Martin, AAG
Terrence S. Finn, Esq.



STATE OF OHIO
OFFICE OF THE ATTORNEY GENERAL
MARC DANN, ATTORNEY GENERAL

Environmental Enforcement
30 E. Broad St.
Columbus, OH 43215-3400
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Facsimile: (614) 644-1926
www.ag.state.oh.us

October 2, 2007

VIA FACSIMILE

The Honorable William D. Hart
Hardin County Court of Common Pleas
1 Courthouse Square, Suite 310
Kenton, Ohio 43326

RE: State of Ohio, ex. rel. v. King Ohio Forge, Inc., et al.
Case No. CVH 2006 1253

Dear Judge Hart:

On September 28, 2007, Defendant King-Ohio Forge and the Plaintiff State agreed upon a proposed entry for the removal of the materials at the King-Ohio Forge facility. This letter is to confirm that Plaintiff State agrees to the proposed entry submitted by Defendant King-Ohio Forge.

A copy of the agreed upon entry is enclosed. Plaintiff State and King-Ohio Forge jointly request that the entry is issued so that the materials can be removed from the facility.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Amanda K. Sturm".

Amanda K. Sturm
Assistant Attorney General

Enclosure

F



222 SOUTH MAIN STREET
AKRON, OH 44308
330.376.2700 MAIN
330.376.4577 FAX

September 27, 2007

VIA FEDERAL EXPRESS

The Honorable William D. Hart
HARDIN COUNTY COURT OF COMMON PLEAS
1 Courthouse Square, Suite 310
Kenton, Ohio 43326

**RE: State of Ohio, ex. rel. v. King Ohio Forge, Inc., et al.
Hardin County Court of Common Pleas Case No. CVH 20061253**

Dear Judge Hart:

On September 26, 2007, Defendant, King-Ohio Forge, Inc. ("King-Ohio Forge") filed a Motion For Authorization To Remove The Materials From The Property in the above referenced case. This motion included a proposed entry. Since that time, King-Ohio Forge and the Plaintiff have worked out an agreed upon entry for the removal of the materials.

A copy of the agreed upon entry is enclosed for your consideration. King-Ohio Forge and the Plaintiff jointly request that you issue the entry so that King-Ohio Forge can begin removing the materials from the property. In addition, King-Ohio Forge withdraws its pending motion.

In the event you have any questions or need anything further, please do not hesitate to contact me or Amanda Sturm of the Attorney General's Office.

Sincerely,

ROETZEL & ADDRESS, LPA

Terrence S. Finn

TSF/iko
Enclosure
cc: Daniel J. Martin, AAG
Amanda Sturm, AAG
Brian A. Ball, AAG

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