

**IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO**

STATE OF OHIO, ex rel.	:	CASE NO.
JIM PETRO,	:	
ATTORNEY GENERAL OF OHIO	:	
Environmental Enforcement Section	:	
30 E. Broad Street, 25th Floor	:	JUDGE
Columbus, Ohio 43215	:	
	:	
Plaintiff,	:	
	:	
v.	:	<u>CONSENT ORDER AND</u>
	:	<u>FINAL JUDGMENT ENTRY</u>
GE QUARTZ, INC.	:	
Willoughby Plant	:	
4901 Campbell Road	:	
Willoughby, Ohio 44094	:	
	:	
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 GE Quartz, Inc., Willoughby Plant, a General Electric Company (hereinafter "Defendant") having consented to the entry of this Order,

NOW THEREFORE, upon 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. "Air contaminant source" or "source" has the same meaning as set forth in R.C. 3704.01(C) and Ohio Adm. Code rules 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 glass products manufacturing facility located at 4901 Campbell Road, Willoughby, Ohio 44094.
- 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.

II. JURISDICTION AND VENUE

2. 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 party 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.

IV. SATISFACTION OF LAWSUIT

4. 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. In order to resolve disputed claims, without any waiver or any admission of fact,

violation, or liability concerning the allegations in the Complaint, Defendant consents to this Order and agrees to comply with its terms.

V. CIVIL PENALTY

5. Pursuant to R.C. 3704.06, Defendant shall pay to the State of Ohio a total civil penalty of Twenty Thousand Dollars (\$20,000). Defendant shall deliver a certified check in the amount of \$20,000 payable to the Order of “Treasurer, State of Ohio” within thirty (30) days of the date of entry of this Consent Order, which payment shall represent the civil penalty. 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.

VI. RETENTION OF JURISDICTION

6. The court will retain jurisdiction of this action for the purpose of enforcing this Consent Order.

VII. COSTS

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

VIII. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

8. 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.

IX. AUTHORITY TO ENTER INTO THE CONSENT ORDER

9. 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

DATE

**JUDGE, LAKE COUNTY
COURT OF COMMON PLEAS**

APPROVED:

**JIM PETRO
ATTORNEY GENERAL OF OHIO**

BY:

BY:

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Authorized Representative of Defendant GE Quartz, Inc., Willoughby Plant