

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

**FILED**

2004 JAN -5 PM 1:30

**STATE OF OHIO, ex rel.  
JIM PETRO,  
ATTORNEY GENERAL OF OHIO,**

**CASE NO. 02 CV 345**

**RON BALSER  
CLERK OF COURTS  
FAIRFIELD CO. OHIO**

**Plaintiff,**

**JUDGE MARTIN**

**v.**

**THE CYRIL-SCOTT COMPANY,**

**CONSENT ORDER**

**Defendant.**

Plaintiff State of Ohio ("Plaintiff"), by its Attorney General Jim Petro, at the written request of Christopher Jones, the Director of the Ohio Environmental Protection Agency, having filed an Amended Complaint seeking injunctive relief and civil penalties from Defendant The Cyril-Scott Company ("Cyril-Scott" or "Defendant"), for violations of R.C. Chapter 3704 and the rules promulgated thereunder, and both parties having consented to the entry of this Order,

NOW, THEREFORE, without trial, admission, or determination of any issue of fact or law, without admission of liability by Cyril-Scott, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

**I. JURISDICTION AND VENUE**

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

**II. PERSONS BOUND**

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and, in accordance with Rule 65(D) of the Ohio Rules of Civil Procedure,

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.

### **III. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS**

3. Plaintiff alleges in its Amended Complaint that Defendant has owned and operated a printing facility, located at 3950 State Route 37 East, in Lancaster, Fairfield County, Ohio, in such a manner as to result in violations of the air pollution control laws and regulations of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant to Plaintiff for the claims alleged to have occurred under Ohio Revised Code Chapter 3704 and the rules adopted thereunder as set forth in Plaintiff's Amended Complaint. In addition, compliance with the terms of this Consent Order shall constitute satisfaction of any civil liability of Cyril-Scott for any violations of the permit to install (PTI No. 01-3560) issued to Source No. K018 from the entry of the Order until the date the Director of Ohio EPA issues a final action on the permit application which Cyril-Scott has submitted prior to the date of entry of this Order.

4. Except as provided herein, this Consent Order shall not be construed to limit the authority of Plaintiff to seek relief for violations not alleged in the Amended Complaint, nor shall this Consent Order bar the State of Ohio from bringing any action against Defendant for any violations that occur after the entry of this Consent Order. Nothing in this Consent Order shall be construed to relieve Defendant of its obligations to comply with applicable federal, state, or local statutes, regulations, or ordinances. Nothing in this Consent Order shall limit Defendant's right to defend against any allegations by Plaintiff of additional violations of law or any alleged violations of this Consent Order.

#### **IV. INJUNCTIVE RELIEF**

5. Defendant is hereby enjoined and ordered to permanently comply with R.C. Chapter 3704 and the regulations adopted thereunder.

6. Per R.C. 3704.05(C), Defendant is further enjoined and ordered to maintain compliance with all terms and conditions of its various permits to install and permits to operate, as issued by the Director.

#### **V. CIVIL PENALTY AND SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)**

7 Pursuant to R. C. 3704.06, Defendant shall pay to the State of Ohio a total of one hundred seventy-two thousand six hundred and thirty dollars (\$172,630), 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 forty thousand dollars (\$140,000), which represents a civil penalty, made payable to the order of "Treasurer, State of Ohio", to the address stated in paragraph 7(c) of this Consent Order.

(b) In lieu of paying the remaining thirty-two thousand six hundred thirty dollars (\$32,630) in civil penalty, within thirty (30) days of the filing date of this Consent Order, Defendant shall deliver a certified check for the thirty-two thousand six hundred thirty dollars (\$32,630), made payable to the "Ohio Department of Natural Resources, Division of Forestry, State Forest Fund (Fund No. 509)." The purpose of this payment is to fund a supplemental environmentally beneficial project, specifically urban area tree-planting projects in Ohio. If Defendant does not, within thirty (30) days of the filing date of this Consent Order, pay this amount to fund Ohio's tree-planting SEP, Defendant shall immediately pay this amount as the

remainder of its civil penalty by delivering a certified check for this amount payable to the order of "Treasurer, State of Ohio," within thirty (30) days of the date of entry of this Consent Order.

(c) All certified checks 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, Ohio 43215-3428

## **VI. STIPULATED PENALTIES**

8. In the event that Defendant violates the injunctions set forth in paragraph 7 of this Consent Order, Defendant shall pay a stipulated penalty of five hundred dollars (\$500) per each day of each violation.

9. In the event that Defendant fails to meet any of the requirements of paragraph 7 of this Consent Order, Defendant shall immediately be liable for payment of stipulated penalties imposed by this Consent Order without prior demand by the State of Ohio. Payment of all stipulated penalties shall be paid by the Defendant by its delivering to Plaintiff, at the address indicated in paragraph 7(c) above, 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.

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

## **VII. RETENTION OF JURISDICTION**

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

**VIII. TERMINATION**

12. No earlier than three (3) years from the date of 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 three (3) 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 three (3) years is, in actuality, not an appropriate time period

**IX. COURT COSTS**

13. Defendant is hereby ordered to pay all court costs of this action.

**X. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK**

14. 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

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

15. The signatory for 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**

**JUDGE C. MARTIN**

**DATE** 1-5-04

**JUDGE MARTIN  
COURT OF COMMON PLEAS  
FAIRFIELD COUNTY**

**APPROVED:**

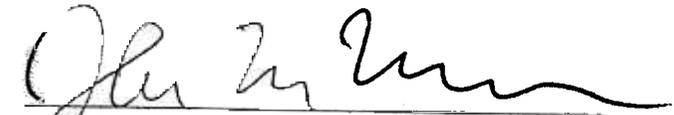
**THE CYRIL-SCOTT COMPANY**



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Authorized Representative of  
Defendant The Cyril-Scott Company

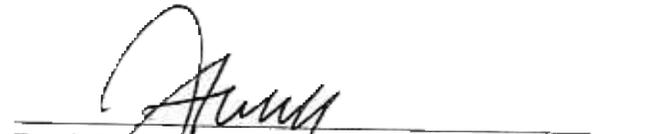
**JIM PETRO,  
ATTORNEY GENERAL OF OHIO**



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**BRICKER & ECKLER, LLP**



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