

COPY

FILED
MAR - 7 2001
AT _____ O'CLOCK _____ M.
SOFRON B. NEDILSKY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

JWR
Copy mailed to Attorneys for parties by the court pursuant to rule 77(D) Federal rules of civil procedure. 3-8-01

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Allen J
OK PMFG

UNITED STATES OF AMERICA,)

Plaintiff,)

OLSONITE CORPORATION,)

Defendant.)

CIVIL ACTION NO. 98-C-616

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UNITED STATES
ENVIRONMENTAL
AGENCY
2001 APR 3 A 9 59
COMPTROLLER BRANCH

STIPULATION AND ORDER FOR DISMISSAL

Plaintiff, the United States of America ("United States"), on behalf of the United States Environmental Protection Agency, filed a civil action pursuant to Section 113(b) of the Clean Air Act ("the Act"), 42 U.S.C. § 7413(b), for civil penalties against Defendant Olsonite Corporation (Olsonite), for alleged violations of the Prevention of Significant Deterioration ("PSD") regulations and/or the nonattainment regulations and the Wisconsin State Implementation Plan.

The United States and Olsonite ("the parties") agree that settlement of this action is in the public interest and that entry of this Stipulation and Order for Dismissal without further litigation is the most appropriate means of resolving this matter.

The United States and Olsonite consent to entry of this Stipulation and Order for Dismissal without trial of any issue of fact or adjudication of any issue of law. Olsonite enters into this Stipulation solely for the purposes of settling this matter and does not admit any liability for the claims described herein or in the Complaint.

90 57-1-4354

MAR 23 2001

NOW, THEREFORE, before taking any testimony, upon the pleadings, without adjudication of any issues of fact or law, and upon consent and agreement of the parties to this stipulation, it is hereby ORDERED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1331, 1345 and 1355. Venue in this District is proper because it is the judicial district in which Olsonite's Facility is located and in which the alleged violations occurred. The parties agree to be bound by the terms of this Stipulation and agree not to contest its validity in any subsequent proceeding.

II. PARTIES BOUND

2. This Stipulation shall apply to and be binding upon the plaintiff and upon defendant.

III. CIVIL PENALTIES

3. Defendant shall pay a civil penalty of \$255,722 to the United States of America within thirty days after receiving notice of the existence of this stipulation.

4. Olsonite must pay the civil penalty by Electronic Funds Transfer (EFT) at the direction of the Financial Litigation Unit of the United States Attorney's Office, 517 East Wisconsin Avenue, Milwaukee, WI 53202.

5. Simultaneously with the payment, Olsonite shall submit verification of the EFT, identifying this stipulation and this paragraph, to the following addresses:

Padma Klejwa
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5 (C-14J)
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Chief, Air Enforcement & Compliance Assurance Section (Michigan-Wisconsin)
Air Enforcement & Compliance Assurance Branch
U.S. Environmental Protection Agency
Region V (AE-17J)
77 West Jackson Boulevard
Chicago, Indiana 60604

Chief, Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044 Ref. DOJ # 90-5-1-1-4354

6. Olsonite acknowledges that it is not entitled to deduct for federal or state tax purposes the civil penalty paid in this case.

7. Upon receipt of payment set forth above, the plaintiff shall file a notice with the court indicating that payment has been received and that the complaint may be dismissed with prejudice, with each party bearing its own costs and attorney's fees.

IV. PUBLIC ACCESS TO INFORMATION

8. All information and documents in this case pursuant to this stipulation shall be subject to public inspection without further notice in accordance with 40 C.F.R., part 2, subpart B.

9. This stipulation resolves only the civil claims of the United States for the violations alleged in the complaint.

10. This stipulation does not limit or affect the rights of defendant or the plaintiff as against any third parties.

11. Each party to this action shall bear its own costs and attorney's fees.

12. Any modification of this stipulation must be in writing and approved by the court.

13. Any such written modification must be agreed to and signed by all parties to this stipulation.

V. RETENTION OF JURISDICTION

14. This court shall retain jurisdiction to modify or enforce the terms of this stipulation or to take any action necessary or appropriate for its construction or execution.

VI. TERMINATION

15. The provisions of this stipulation shall be deemed satisfied upon payment of the amounts set forth in paragraph 3 above.

SO ORDERED this 7th day of March, 2001.



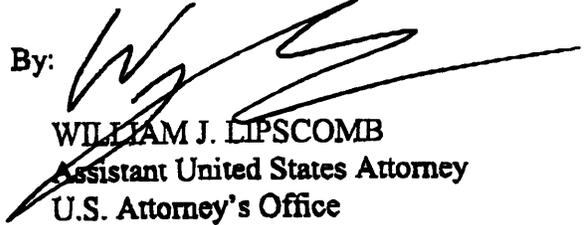
JOHN W. REYNOLDS
Senior Judge
United States District Court

**STIPULATION AND ORDER FOR DISMISSAL
UNITED STATES OF AMERICA v. OLSONITE CORPORATION
CIVIL ACTION NO. 98-C-616**

FOR PLAINTIFF, THE UNITED STATES OF AMERICA:

Dated: 3/5/01

**THOMAS P. SCHNEIDER
United States Attorney**

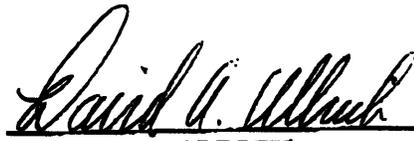
By: 

**WILLIAM J. LIPSCOMB
Assistant United States Attorney
U.S. Attorney's Office
517 East Wisconsin Avenue, Room 530
Milwaukee, WI 53202**

**STIPULATION AND ORDER FOR DISMISSAL
UNITED STATES OF AMERICA v. OLSONITE CORPORATION
CIVIL ACTION NO. 98-C-616**

FOR PLAINTIFF, THE UNITED STATES OF AMERICA:

Dated: February 1, 2001



DAVID A. ULLRICH
Acting Regional Administrator
U.S. Environmental Protection Agency,
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

**STIPULATION AND ORDER FOR DISMISSAL
UNITED STATES OF AMERICA v. OLSONITE CORPORATION
CIVIL ACTION NO. 98-C-616**

FOR PLAINTIFF, THE UNITED STATES OF AMERICA:

Dated: 2/1/01



**W. BENJAMIN FISHEROW
Deputy Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611**

Dated: 12/7/00



PADMAVATI G. KLEJWA
Associate Regional Counsel
U.S. Environmental Protection Agency
Region 5, (Mail Code C-14J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

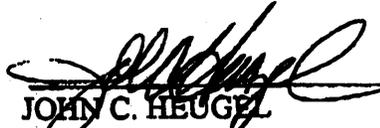
FOR DEFENDANT OLSONITE CORPORATION:

Dated: 11/20/00



MICHAEL J LAPORTE
Chief Operating Officer
Olsonite Corporation

Dated: 11/28/00



JOHN C. HEUGEL
Attorney for Olsonite Corporation