

Privileged and Confidential

PLAINTIFF'S EXHIBIT

H&G-88

HILL and GRIFFITH Company

6432 North Oaklandon Road Suite 103, Indianapolis, Indiana 46236

* 317-826-3002 * (Fax) 317-826-3004

To: Dale Welsh

From: Lori Yeager *LY*

Date: November 18, 1999

Subject: Compliance Agreement Payment for the City of Indianapolis

As a result of a compliance agreement between the Hill and Griffith Company and the City of Indianapolis, we must pay the City of Indianapolis a sum of \$4000 for violations that occurred at the Indianapolis plant. We must issue a check made payable to Indianapolis City Controller for the above sum as soon as possible. The check must reach the Enforcement Program Manager at the City of Indianapolis Environmental Resources Management Division within 15 days from the date of approval, which was November 15, 1999. Therefore, the City must have payment by November 30, 1999.

In order to expedite the mailing process, you can mail the check directly to the above manager via certified mail to the address below:

Enforcement Program Manager
City of Indianapolis
Environmental Resources Management Division
2700 South Belmont Avenue
Indianapolis, Indiana 46221

Please forward a copy of the check and the certified mail receipt to me. Thank you in advance for your cooperation and have a nice day.

Cc: John Beasley - Thompson, Hine, and Flory
Gary Follmer
Rhonda Hogan

HG-000264

STATE OF INDIANA	)	ADMINISTRATIVE ADJUDICATION
	) SS:	
COUNTY OF MARION	)	DOCKET NO. 99-A-0039
CITY OF INDIANAPOLIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
HILL AND GRIFFITH COMPANY	)	
	)	
Defendant.	)	

COMPLIANCE AGREEMENT

Plaintiff is the City of Indianapolis, ("City") a body corporate and politic, acting through its Department of Public Works, Environmental Resources Management Division ("ERMD").

Defendant is Hill and Griffith Company ("Hill and Griffith"), a corporation authorized to conduct business in the State of Indiana. Hill and Griffith manufactures specialty foundry products in the City of Indianapolis and Marion County.

The Notice of Violation in this cause was issued on September 17, 1999, alleging that Hill and Griffith had violated Indianapolis Air Pollution Control Board Regulation 2 "Permits", Section 1-1(H)(1)(a). More specifically, Hill and Griffith was alleged to have operated equipment without a valid permit. The equipment alleged to have been operated without a valid permit has been removed from the Indianapolis manufacturing facility.

In the Notice of Violation, the City alleged the following:

On July 17, 1998, the Hill and Griffith applied to the City of Indianapolis Environmental Resources Management Division (Division) for an interim Construction Permit and operating permit for the installation and operation of a CMI-Isocure sand and resin mixer (CMI) and a DISA-Isocure sand and resin mixer (DISA).

However, Hill and Griffith operated the CMI and the DSI prior to receiving either a final construction permit or an operating permit from the Division. In the notice of violation, the City further alleged the CMI began operation on August 18, 1998, and operated the unit until April 24, 1999. The DISA began operation on September 19, 1998, and operated the unit until July 1, 1999. Additionally, on April 30, 1999, a Division inspector observed the DISA operating without the scrubber operating properly. Hill & Griffith operated the two units without a valid Construction Permit which constitute two (2) violations of Indianapolis Air Pollution Control Board Regulation 2 "Permits".

Indianapolis Air Pollution Control Board Regulation 2 "Permits", Section 1-1(H)(1)(a) states that "No person shall construct, modify or reconstruct an applicable source or facility without a valid Construction Permit.

The parties agree that settlement of this Notice of Violation is in the public interest and consent to the entry of this Compliance Agreement, without further proceedings, as the most appropriate means of resolving the issues raised herein. The parties agree that, pursuant to Section

103-501 through 513 of the Revised Code of the Consolidated City and County, an Administrative Hearing Officer has authority and jurisdiction to approve, modify and enforce this Compliance Agreement and to assess stipulated penalties, resolve disputes which arise under and take any action necessary or appropriate for the construction or implementation of this Compliance Agreement. The parties agree to and shall be bound by the requirements of this Compliance Agreement.

NOW, THEREFORE, before the taking of any testimony, and without a hearing on any issue of fact or law and upon the consent of the parties, by their attorneys, in this matter, it is AGREED by the parties and APPROVED by the authorized ADMINISTRATIVE HEARING OFFICER:

COMPLIANCE PROGRAM

1. Hill and Griffith agrees to comply with Chapter 511 of the Municipal Code of Indianapolis and Marion County, Indiana ("Chapter 511"), and with the Rules and Regulations of the Indianapolis Air Pollution Control Board ("the Regulations"), in all of its future operations.

GENERAL PROVISIONS

2. **Monetary Settlement.** This Compliance Agreement is in full settlement and satisfaction of all matters alleged in the Notice of Violation.

A. The payment of a civil penalty of Four Thousand Dollars (\$4,000.00) shall be submitted by Hill and Griffith in the form of a check made payable to the Indianapolis City Controller and delivered within fifteen (15) days from the date of the Administrative Hearing Officer's approval of this Compliance Agreement to the following:

Enforcement Program Manager
City of Indianapolis
Environmental Resources Management Division
2700 South Belmont Avenue
Indianapolis, Indiana 46221

3. **Retention of Jurisdiction.** The Administrative Hearing Officer shall retain jurisdiction over this matter to modify or enforce the terms of this Compliance Agreement to assess stipulated penalties, to resolve disputes arising under the terms of this Compliance Agreement, or to take any action necessary or appropriate for construction or implementation of this Compliance Agreement.

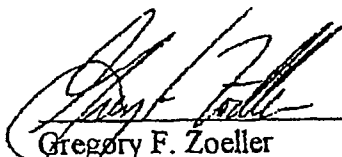
4. **Effective Date.** This Compliance Agreement shall be effective upon the date that it is approved by the Administrative Hearing Officer.

5. **Satisfaction.** This Compliance Agreement shall be deemed satisfied upon the completion and acceptance thereof by the City of each condition or obligation placed upon Hill and

Griffith herein and upon payment by Hill and Griffith of all civil penalties as provided for in Section

2.

APPROVED THIS 15th day of November, 1999.



Gregory F. Zoeller

ADMINISTRATIVE HEARING OFFICER

Authorized by Section 103-503 of the

Revised Code of the Consolidated City and County

FOR PLAINTIFF
City of Indianapolis

By:



M. Sue Michael

Assistant Corporation Counsel

200 East Washington Street

1601 City-County Building

Indianapolis, Indiana 46204

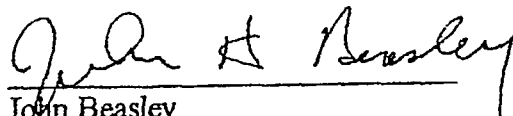
Dated:

11-8-99

FOR DEFENDANT

Hill and Griffith Company

By:



John Beasley

Attorney for Defendant

Dated:

11-3-99