



IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

Plaintiff,

vs.

~~ACE LIQUID WASTE HAULERS, INC.~~
ROBERT L. NICHOLS
ROBERT S. NICHOLS

Defendants.

CASE NO. A8402291

JUDGE RALPH WINKLER

CONSENT JUDGMENT

The Complaint in the above-captioned case having been filed herein, and the Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr., (hereinafter "Plaintiff") and the Defendants Ace Liquid Waste Haulers, Inc., Robert L. Nichols, and Robert g. Nichols, having consented to entry of this Consent Judgment,

NOW, THEREFORE, without trial of any issues of law or fact, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I.

1. This Court has jurisdiction over the subject matter herein pursuant to Chapter 3734 of the Ohio Revised Code. The Complaint states a claim upon which relief can be granted against the Defendants under this statute. This Court has jurisdiction over the parties hereto. Venue is proper in this court.

II.

2. The provisions of this consent decree shall apply to and be binding upon the signatories to this consent judgment, their agents, officers, employees, assigns, and successors in interest.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendants violated various sections of Ohio Revised Code Chapter 3734. Defendants deny those allegations. Compliance with the terms of this Consent Judgment shall be full satisfaction for Defendant's liability for the foregoing claims under Chapter 3734 of the Ohio Revised Code, and for any other criminal, civil, or administrative liability for violations of Chapter 3734 or any other action which could have been asserted against Defendants arising out of all matters raised in Plaintiff's Complaint.

4. Nothing in this Judgment shall be construed to limit the authority of the State of Ohio to seek relief for claims except as provided in paragraph 3.

IV. PAYMENTS TO STATE OF OHIO

5. Defendant Ace Liquid Waste Haulers, Inc. shall pay State of Ohio pursuant to Ohio Revised Code Section 3734.13 the sum of eight thousand dollars (\$8,000.00) in two annual installments of four thousand five hundred and seventy five dollars (\$4,575.00) and three thousand four hundred and twenty five dollars (\$3,425.00). The first installment of this payment shall be paid within one (1) year after entry of this Consent Judgment and the second installment shall be paid within two (2) years after entry of this Consent Judgment. These payments shall be made by tendering a certified check or money order to Plaintiff's attorney or his successor. Said check or money order shall be payable to the "Hazardous Waste Special Account" in the appropriate amount.

6. Robert L. Nichols and Robert G. Nichols shall guarantee payment of the amounts specified above by means of limited guarantee, a copy of which is attached to this Consent Judgment as Exhibit 1.

v.

7. Defendants shall comply with the requirements of Revised Code Chapter 3734 and the regulations adopted thereunder as they apply to Defendants.

8. This court shall retain jurisdiction of this matter for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Consent Judgment.

Roger Wampler
JUDGE, COURT OF COMMON PLEAS

(Copy)

APPROVED:

STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

BY:

Dale J. Vitale
DALE VITALE
JEFFREY C. HOUSE
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(614) 466-2766

ACE LIQUID WASTE HAULERS, INC.
ROBERT L. NICHOLS
ROBERT *g.* NICHOLS

BY:

Robert L. Nichols
PRESIDENT
ACE LIQUID WASTE HAULERS, INC.

LIMITED GUARANTEE

In consideration of the terms and conditions of a certain Consent Judgment entered in favor of the State of Ohio against Ace Liquid Waste Haulers, Inc. ("Ace") in Case No. A8402291 in the Court of Common Pleas, Hamilton County, Ohio and other good and valuable consideration the receipt of which is acknowledged, the undersigned hereby guarantee the State of Ohio, the prompt payment, when due, of all payments of Ace under such Consent Judgment. This is a guarantee of payment and not of collection. If Ace defaults in the payment of any such payment, the undersigned will pay the unpaid amount due to the State of Ohio twenty days after written notice is given to the undersigned by the State of Ohio of such default.

This Guarantee will be governed by and construed in accordance with the laws of the State of Ohio and will be binding upon the undersigned and the personal representatives, heirs, successors and assigns thereof and inure to the benefit of the State of Ohio and its successors and assigns.

Signed at _____, _____, on _____
_____, 1986.

Robert L. Nichols

Robert G. Nichols