

IN THE COURT OF COMMON PLEAS
HIGHLAND COUNTY, OHIO

State of Ohio ex. rel.
BETTY D. MONTGOMERY,
ATTORNEY GENERAL OF OHIO

Plaintiff,

v.

SANDRA BURTON,

Defendant.

CASE NO. 96 CV 021

JUDGE McMULLEN

FILED
COMMON PLEAS COURT
HIGHLAND COUNTY, OHIO

JUL 16 1996

Paulette Donley
HIGHLAND COUNTY CLERK OF COURTS

CONSENT ORDER

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Betty D. Montgomery ("Plaintiff") and Defendant, Sandra Burton, having consented to the entry of this Order,

NOW THEREFORE, pursuant to agreement of the parties as entered orally in this Court on June 7, 1996, 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 Complaint states a claim upon which relief can be granted against Defendant under Chapter 6111 and Section 1541.21 of the Ohio Revised Code, and venue is proper in this Court.

II. PARTIES

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person in active concert or participation with any of them. Defendant Burton shall provide a copy of this Consent Order to each contractor she employs to perform work itemized herein.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant Burton has failed to maintain a properly operating home sewage disposal system at her residence at 6772 Heathermoor Trail, which has resulted in numerous violations of the water pollution laws of the State of Ohio and a nuisance condition on the premises. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all claims under such laws alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint.

IV. PERMANENT INJUNCTION

4. Defendant Burton agrees and is hereby Enjoined and Ordered to immediately comply with the requirements of Chapter 6111 and Section 1541.21 of the Ohio Revised Code and the rules and regulations adopted under that Chapter.

5. Defendant Burton agrees and is ordered and enjoined to perform, within the time specified, the following:

- a. within seven (7) days of the date of this order, clean up any visible sewage on the premises by removal or other means to ensure that there is no visible sewage on the surface of the property at 6772 Heathermoor Trail, Hillsboro, Ohio;

- b. immediately and permanently cease discharging sewage from her residence at 6772 Heathermoor Trail, until such time as this residence is serviced by a fully operating home sewage disposal system as approved by the Ohio Environmental Protection Agency ("Ohio EPA");
- c. immediately and permanently discontinue use of the water supply at her residence on 6772 Heathermoor Trail, until such time as this residence is serviced by a fully operating home sewage disposal system as approved by Ohio EPA;
- d. on or by July 31, 1996, submit to the Ohio Environmental Protection Agency, Southwest District Office, a complete and approvable application for a permit to install a home sewage disposal system for 6772 Heathermoor Trail;
- e. initiate installation of the home sewage disposal system in accordance with the permit to install as issued by Ohio EPA, within thirty (30) days of Ohio EPA's issuance of the PTI described in paragraph (d);
- f. complete installation of the home sewage disposal system in accordance with the permit to install as issued by Ohio EPA, within fourteen (14) days of the initiation of installation of the disposal system.

IX. RETENTION OF JURISDICTION

6. The Court will retain jurisdiction of this action for the purpose of making an order or decree which it deems appropriate to carry out this Consent Order.

X. COSTS

7. Defendant Burton agrees and is hereby ordered to pay the costs of this action.

IT IS SO ORDERED.

15/ Robert B McMullen
JUDGE ROBERT McMULLEN
COURT OF COMMON PLEAS

7-16-96
Date

APPROVED:

State of Ohio, ex rel.
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

BY:



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SANDRA BURTON

Defendant