

FILED

OCT 20 1979

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

STATE OF OHIO, et rel.)	CASE NO. 79 CIV 0736
WILLIAM J. BROWN)	
ATTORNEY GENERAL OF OHIO)	
)	
Plaintiff)	
)	
vs.)	<u>JUDGMENT ENTRY</u>
)	
CITY OF PAINESVILLE)	
)	
Defendant)	

The Complaint having been filed herein on September 14, 1979 under Section 6111.03(L), 6111.07 and 6111.09 of the Ohio Revised Code, and the Plaintiff and Defendant by their respective attorneys having consented, without trial or adjudication of any issue of fact or law herein to this Judgment Entry:

NOW, THEREFORE, before the taking of any testimony, upon the pleadings and upon the consent of the parties hereto, it is Ordered, Adjudged and Decreed as follows:

I.

The Court has jurisdiction of the subject matter herein.

II.

The provisions of this Judgment Entry shall apply to and be binding upon the parties to this action, including the present executive officers and the present legislative authority; in addition, the provisions of this Judgment Entry shall apply to all persons and entities having notice of this Judgment Entry and who are acting in concert and privity with the Defendant.

III.

Defendant, having achieved compliance with the final effluent limitations on page 3 of its National Pollutant Discharge Elimination System (NPDES) Permit No. B 315 *AD as of the date of this Judgment Entry is hereby enjoined to continue to operate its municipal electric power plant in compliance with the final effluent limitations and all other terms and conditions of said NPDES Permit and all renewals thereof.

IV.

Defendant shall pay the amount of Two Thousand Seven Hundred Eighty-Nine Dollars (\$2,789.00) as a civil penalty under Section 6111.09 of the Ohio Revised Code in satisfaction of the violations, which defendant denies, of those terms and conditions of NPDES Permit No. B 315 *AD applicable to Outfall 001 charged in the Complaint filed herein on September 14, 1979 and of any violations of those same terms and conditions applicable to Outfall 001 occurring up until the date of this entry. Said civil penalty shall be paid by Defendant within thirty (30) days after the date of this entry by delivering to Plaintiff's counsel for payment into the general revenue fund of the state treasury, a certified check in the amount of Two Thousand Seven Hundred Eighty-Nine Dollars (\$2,789.00) payable to "Treasurer, State of Ohio." The payment of said amount does not constitute an admission on the part of the defendant that any violations have occurred.

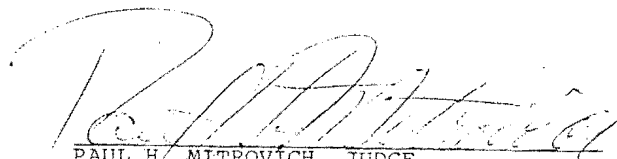
V.

The Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Judgment.

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VI.

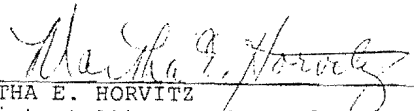
Defendant shall pay the Court Costs.

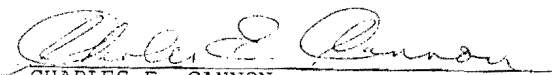


PAUL H. MITROVICH, JUDGE
Court of Common Pleas

APPROVED:

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

BY: 
MARTHA E. HORVITZ
Assistant Attorney General
Environmental Law Section


CHARLES E. CANNON
Law Director, City of Painesville