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IN THE COURT OF COMMON PLEAS
MORROW COUNTY, OHIO

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

Plaintiff,

v.

PAUL D. [REDACTED]
d/b/a HICKORY GROVE MOBILE
HOME PARK, a/k/a EBERWINE
COUNTRY ESTATES,

Defendant.

Case No. 19,653

JUDGE WELLER

CONSENT ORDER

FILED
COURT
JAN 29 3 32 PM '88
WILLIAM HERRITT
CLERK

The State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff"), filed a Complaint seeking injunctive relief and civil penalties from Paul D. Eberwine (hereinafter "Defendant") for alleged violations of Ohio Revised Code Chapter 6109. and the rules adopted thereunder. With regard to these issues, the parties have reached agreement on the terms of permanent injunctive relief and for the payment of a civil penalty.

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

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the subject matter herein pursuant to Chapter 6109. of the Ohio Revised Code. The Complaint states a claim upon which relief can be granted

against Defendant under these statutes. The Court has jurisdiction over the parties hereto. Venue is proper in this Court.

II. PERSONS BOUND

2. The provisions of this Order shall apply to and be binding upon the parties to this action, their agents, employees, assigns and successors in interest.

III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant for all of his violations of Ohio Revised Code Chapter 6109., as alleged in the Complaint, at the Hickory Grove Mobile Home Park (a.k.a Eberwine Country Estates) located in Morrow County, Ohio (hereinafter the "park").

4. This Order does not limit the power of the State of Ohio to seek relief for other claims not known at this time or for future violations of Ohio Revised Code Chapter 6109. All violations of Ohio Revised Code Chapter 6109 known to the State of Ohio are alleged in the Complaint.

IV. WATER PURITY

5. Defendant is permanently enjoined from supplying water to the park which exceeds the contaminant levels for coliform bacteria as established by Ohio Administrative Code Section 3745-81-14.

V. WATER TESTING AND REPORTING

6. Defendant is permanently enjoined to sample the water supplied to the park, at least once a month, for the presence of coliform bacteria, in accordance with O.A.C. 3745-81-21. The Defendant is permanently enjoined to have these samples analyzed by a person holding a current and effective laboratory certificate, in accordance with O.A.C. Section 3745-89-02.

VI. PUBLIC NOTIFICATION

7. Defendant is permanently enjoined to notify the persons served by the park's community water system of violations of applicable maximum contaminant levels or applicable testing requirements, by including notices in the first set of the system's water bills after the violation, or by direct mail within three months, in accordance with O.A.C. Section 3745-81-32.

8. Defendant shall, by including a notice in the system's water bills, or by direct mail, notify all persons served by the system of the supplier's failure to test the park's community water system for the presence of coliform bacteria on May, 1984, June, 1984, September, 1984, December, 1984, February, 1985, November, 1985, December, 1985, January, 1986, February, 1986, April, 1986, June, 1986, September, 1986,

January, 1987, July, 1987 and for exceeding the maximum contaminant levels for coliform bacteria on September, 1986, January, 1987, and July, 1987.

VII. DISINFECTION

9. Defendant is permanently enjoined to maintain in the water supplied to the park a chlorine residual of at least two-tenths milligram per liter free chlorine, or one milligram per liter combined chlorine, in accordance with O.A.C. Section 3745-83-02. Defendant is further permanently enjoined to purchase a DPD Test Kit to sample the chlorine content of the park's water supply system within twenty days of the entry of this Order. Proof of the purchase of this kit shall be made by delivering a copy of the sales receipt or invoice for this kit to Ms. Ashbrook at the address listed in Section IX within twenty five days of the entry of this Order. The Defendant is permanently enjoined to daily test the chlorine content in the park's water supply system and maintain a daily written record of the chlorine content which shall be available to inspection by the employees of the Ohio EPA upon request. Nothing herein shall be construed to limit the statutory rights or other rights of the Ohio EPA to conduct inspections or review records at the park.

VIII. CONTINGENCY PLANS

10. Within ninety (90) days after entry of this Consent Order, Defendant shall submit to Ohio EPA a contingency plan for providing safe drinking water to the system's service area under emergency conditions, as is required by OAC Section 3745-85-02. The plan shall meet the requirements of O.A.C. Rule 3745-85-04. Thereafter, the contingency plan shall be maintained at the locations specified in O.A.C. Rule 3745-85-03.

IX. CIVIL PENALTY

11. Defendant shall pay a civil penalty of \$2,000.00 to the State of Ohio for payment into the General Revenue Fund. Payment shall be made by delivering a certified check or money order, payable to the "Treasurer of the State of Ohio," for the above stated amount to Susan E. Ashbrook, Attorney General's Office, 17th Floor, 30 E. Broad Street, Columbus, Ohio 43266-0410, within ten (10) days after the entry of this Order. Alternatively, the Defendant shall pay the sum of Two thousand dollars (\$2,000.00) by check or money order payable to "Treasurer, State of Ohio" by delivering it to Susan Ashbrook, or her designated successor, at the address provided above, in eight payments of Two hundred hundred fifty dollars (\$250.00) each, on or before each of the following dates:

December 15, 1987

March 15, 1988

June 15, 1988

September 15, 1988

December 15, 1988

March 15, 1989

June 15, 1989

September 15, 1989

On December 15, 1989, the Defendant shall also pay by check or money order payable to "Treasurer of the State of Ohio" the sum of Two hundred dollars (\$200.00) to Ms. Ashbrook or her designated successor, at the address above, which sum represents ten percent per annual interest owed to Plaintiff. Should the Defendant fail to make any of these payments, within ten days of the due date, the remaining amount will be due and payable in its entirety.

X. STIPULATED PENALTIES

12. Defendant shall pay a penalty of one hundred dollars (\$100.00) per day for every day it operates the public water system in violation of this Consent Order. Defendant shall pay the stipulated penalty upon written demand from Plaintiff's counsel. The penalty shall be paid within seven days of said demand by delivering a check payable to the "Treasurer of Ohio" to Susan E. Ashbrook, Attorney General's Office, 17th Floor, 30 East Broad Street, Columbus, Ohio 43266-0410. This stipulated

penalty is not to be suspended in whole or part. Defendant waives all rights it may have to contest the imposition of these stipulated penalties for violations of this Consent Order except for the defense that the Defendant did in fact comply with this Consent Order.

XI. MISCELLANEOUS

12. Any violation of the terms of these Orders shall place Defendant in Contempt of Court. Nothing in this Order shall be construed to limit the power of the State of Ohio to seek further penalties from Defendant for later violations of this Order or Revised Code Chapter 6109.

13. Defendant is enjoined from violating any provisions of Ohio Revised Code Chapter 6109. or the rules adopted thereunder.

14. Nothing in this Order shall release Defendant of the obligation to comply with applicable state or local statutes, rules or ordinances.

15. The Court shall retain jurisdiction of this matter for the purpose of making any Order which it may deem at any time appropriate to carry out the terms of this Order.

16. Defendant shall pay the costs of this action.

DATE

JUDGE, MORROW COUNTY
COURT OF COMMON PLEAS

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO



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PAUL D. EBERWINE,
d/b/a HICKORY GROVE MOBILE HOME PARK,
a/k/a EBERWINE COUNTRY ESTATES



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