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IN THE COURT OF COMMON PLEAS
HOCKING COUNTY, OHIO

STATE OF OHIO, ex rel.	:	Case No. 85-CIV-371
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE STILWELL
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
FALLSWOOD, INC., et al.	:	
	:	
Defendants.	:	

FILED MAXINE DALTON CLK
HOCKING CO. OF COMMON PLEAS

'86 DEC 17 P2:04

CONSENT ORDER

The State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr., filed a Complaint seeking injunctive relief and civil penalties for Defendants' alleged violations of Ohio Revised Code Chapters 6109 and 6111 and the rules adopted thereunder. With regard to these issues, the parties have reached agreement on the terms of permanent injunctive relief and for payment of a civil penalty.

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

I. JURISDICTION AND VENUE

The Court has jurisdiction over the subject matter herein pursuant to Chapters 6109 and 6111 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

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

III. SATISFACTION OF LAWSUIT

Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of the Defendants for all violations of Chapters 6109 and 6111 of the Ohio Revised Code and the rules adopted thereunder, as alleged in the Complaint, for Defendants' violations of these statutes at Defendants' resort complex located at 18905 State Route 664 South, Logan, Hocking County, Ohio (hereinafter "the complex").

This order shall not limit the authority of the State of Ohio to seek relief for other claims not known at this time or for future violations of Ohio Revised Code Chapters 6109 and 6111.

IV. INSTALLATION OF CONTROL MEASURES FOR THE DISPOSAL SYSTEM AT THE COMPLEX

Defendants shall install control measures to properly treat the effluent from Defendants' disposal system prior to discharge as set forth by milestone in the schedule below.

- a. Submit detail plans for approval by Ohio EPA for the sand filter system by January 15, 1987;
- b. Award contracts for installation of the approved sand filter system by March 1, 1987;
- c. Initiate on-site construction or installation of the approved sand filter system by April 15, 1987;
- d. Complete on-site construction or installation of the approved sand filter system by April 30, 1987; and
- e. Have entire approved system operational by April 30, 1987.

Defendant shall notify the Ohio EPA Southeast District Office in writing no later than fourteen days after the achievement of each milestone set forth above.

V. REMEDIAL ACTION TO ACHIEVE COMPLIANCE FOR THE PUBLIC WATER SYSTEM AT THE COMPLEX

Defendants shall submit to Ohio EPA Southeast District Office approvable plans detailing the public water system (as that term is defined at O.A.C. 3745-31-01(J) at the resort complex by October 30, 1986.

Should any changes to the public water system at the complex be required to comply with O.A.C. 3745-81, et seq. then the Defendants shall take the proper remedial action as set forth in the approvable plans by the milestone date below:

- (a) Award contracts for the installation of the required changes by March 1, 1987.
- (b) Initiate on-site construction or installation of any required changes by April 15, 1987.
- (c) Complete on-site construction or installation of the required changes by April 30, 1987.
- (d) Have entire public water system with required changes operational by April 30, 1987.

VI. CIVIL PENALTY

Defendants shall pay a civil penalty of \$1,000.00 at ten percent (10%) interest per annum to the Plaintiff. Payment shall be made by tendering a certified check payable to the "Treasurer of the State of Ohio" for this amount to counsel for Plaintiff, or his successor, for payment into the General Revenue Fund, according to the following schedule:

Two hundred fifty dollars plus ten percent interest per annum to be delivered to Plaintiff's counsel or his successor on the following dates:

May 30, 1987

August 30, 1987

November 30, 1987

February 28, 1988

VII. STIPULATED PENALTIES

Any violation of the terms of this Consent Order shall place Defendant in contempt of Court, and Defendant shall pay a penalty of \$25.00 per violation per day to the Court. This stipulated penalty shall not be suspended in part or in whole. Defendant waives any right it may have to contest the imposition of this stipulated penalty except the defense that Defendant did in fact comply with said Judgment. Nothing in this Order shall be construed to limit the right of Plaintiff to seek further penalties from Defendant for subsequent violations of this Order or O.R.C. Chapters 6109 and 6111.

VIII. MISCELLANEOUS

Defendant is enjoined from violating any provision of Ohio Revised Code Chapters 6109 and 6111 or the rules adopted thereunder.

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

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 Consent Judgment.

Defendant shall pay all costs of this action.

Each party shall bear its own attorneys' fees.

DECEMBER 17, 1986
DATE

James E. Stilwell
JUDGE, JAMES STILWELL

APPROVED:

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

BY: *[Signature]*

DAVID I. SCHIFF
Assistant Attorney General
Environmental Enforcement
Section
30 E. Broad St., 17th Floor
Columbus, OH 43266-0410
(614) 466-2766

FALLSWOOD, INC. AND
F. PAGE BACKUS

BY: *Claire M. Ball, Jr.*

CLAIRE BALL, JR.
11 East Washington Street
Athens, Ohio 45701
(614) 593-5591

Attorney for Defendants
Fallswood, Inc. and

BY: *F. Page Backus*

F. Page Backus

2398E

Nov 29, 1986