

COMMON PLEAS COURT
FILED
IN THE COURT OF COMMON PLEAS
ALLEN COUNTY, OHIO

37 JUN 24 10 31

STATE OF OHIO, ex rel. :

Anthony J. Celebrezze, Jr.,

Attorney General of Ohio, :
MOND E. COLESON

CLERK OF COURTS

Plaintiffs, ALLEN COUNTY, OHIO

Case No. 86-CIV-265

vs. :

Judge Rumer

FARM SERVICE CENTER :

OF SPENCERVILLE, OHIO, INC.,

et al. :

Defendants. :

JUDGMENT ENTRY

This matter was tried to the court on May 4 and 6, 1987. The court rendered a memorandum decision on May 28, 1987. For the reasons set forth in the memorandum decision, judgment is entered for Plaintiff State of Ohio as follows:

1. Defendant Farm Service Center of Spencerville (F.S.C.) shall pay a civil penalty of \$88,000.00 pursuant to Ohio Revised Code Section 6111.09. This civil penalty shall be paid in eight annual installments of \$11,000.00 each, with interest of 10% per annum. The first installment of \$11,000.00 shall be paid by July 1, 1987 with like installments plus the interest accrued since the payment of the previous installment due by July 1 of each successive year until paid in full.

2. Defendant Russell Pisle shall pay a civil penalty of \$24,000.00 pursuant to Ohio Revised Code Section 6111.09. This civil penalty shall be paid in four annual installments of \$6,000.00 each, with interest of 10% per annum. The first

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installment of \$6,000.00 shall be paid by July 1, 1987 with like installments plus the interest accrued since payment of the previous installment due by July 1 of each successive year until paid in full.

3. Defendant John Pisle shall pay a civil penalty of \$2,900.00 pursuant to Ohio Revised Code Section 6111.09, by October 1, 1987.

4. Payments of the civil penalties described in 1-3 above shall be made by delivering checks in the required amounts to counsel for Plaintiff or their successors in the Ohio Attorney General's Office, for deposit into the account referenced in Ohio Revised Code Section 6111.09.

5. F.S.C., Farm Service Center of Hume (Hume), Russell Pisle, and John Pisle are permanently enjoined from violating Ohio Revised Code Section 6111.04.

6. F.S.C., Hume, Russell Pisle, and John Pisle are permanently enjoined from violating Ohio Revised Code Section 6111.45 and Ohio Administrative Code Section 3745-31-02.

7. Within thirty days after filing of this Judgment Entry, F.S.C., Russell Pisle, and John Pisle shall submit to the Ohio Environmental Protection Agency (EPA), for its approval, a permit to install application and detailed plans for the permanent lagoon which has been installed at the F.S.C. facility in Spencerville, Ohio. Should these defendants be notified that Ohio EPA has found any changes to the lagoon to be necessary, these defendants shall implement these changes within ninety days after receiving such notification.

8. F.S.C., Russell Pisle, and John Pisle shall prevent any overflow of liquid from the collection pit by forthwith making improvements to prevent overflows of the pit when no person is at the F.S.C. site by immediately installing an automatic pumping device for the collection pit.

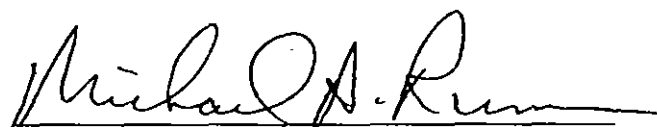
9. Hume and Russell Pisle shall, within thirty days after filing of this Judgment Entry, submit a permit to install application and detailed plans to Ohio EPA for its approval which describe the facilities necessary to prevent "industrial waste" and/or "other wastes" (as defined by O.R.C. 6111.01) from running off the Hume facility into waters of the state. Upon approval of this application and plans by Ohio EPA, these defendants shall construct the facilities pursuant to a schedule approved by Ohio EPA as part of the application.

10. F.S.C., Russell Pisle, and John Pisle are permanently enjoined from operating the F.S.C. facility in Spencerville, Ohio in a manner that causes or allows offensive odors from the facility to be smelled outside the facility boundaries.

11. F.S.C. shall pay all costs of this action.

12. The Court retains jurisdiction to resolve any dispute that may arise among the parties regarding implementation of this judgment.

Date


MICHAEL A. RUMER, JUDGE
Court of Common Pleas
Allen County, Ohio

APPROVED:

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