

IN THE COURT OF COMMON PLEAS
ASHTABULA COUNTY, OHIO

COPY

STATE OF OHIO, ex rel.)
ANTHONY J. CELEBREZZE, JR.)
ATTORNEY GENERAL OF OHIO,)
)
Plaintiff,)
)
v.)
)
GASOIL, INC., et al.,)
)
Defendants.)

CASE NO. 81607

JUDGE ALFRED W. MACKEY

CONSENT ORDER

The Preliminary Injunction in Case No. 81607, having been filed on March 8, 1988 and the Contempt Order in Case No. 81607, having been filed on August 22, 1989, and Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff"); Group Maintenance, Inc. (hereinafter "GMI"), an intervenor party to this litigation as granted on December 13, 1988 for the sole purpose of this Consent Order, and Defendant Gasoil, Inc., stipulating to an accommodation to achieve abatement of the conditions subject to this lawsuit, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Jurisdiction. This Court has jurisdiction over the parties consenting to this Order and the subject matter of this case pursuant to Chapter 1509 of the Ohio Revised Code.



The provisions of this Consent Order shall apply to and be binding on Defendant Gasoil, Inc. The provisions of this Consent Order will be fully complied with on or before November 15, 1989 or later, if the parties submit a written stipulation extending said date.

2. The parties intend that this Consent Order will facilitate clean-up of the Remelius well site, and specifically that the existing open impoundments will be eliminated so that they will be rendered incapable of accumulating or retaining fluids. Further, the existing contents of the concrete skimmer tank shall be lawfully disposed of. The existing concrete skimmer tank shall remain intact and rendered incapable of accepting fluids by a mutually acceptable means until and unless authorized by permit issued pursuant to R.C. 1509. To that end, it is agreed:

a. Gasoil, Inc. shall provide the excavation machinery and operators required to achieve clean-up of the Remelius injection well site open-air impoundments and concrete skimmer tank at its expense;

b. Gasoil, Inc. shall provide the dump trucks and drivers required to haul the waste material from the impoundments and concrete skimmer tank to an EPA-approved dumpsite in a lawful manner at its expense or dispose of it at its expense in a lawful manner as approved by EPA;

c. The State of Ohio, Department of Natural Resources, shall provide: sampling of sludge and/or soil and supervision services required to achieve clean-up of the open-air impoundments and concrete skimmer tank at the Remelius injection well, at its expense and subject to the provisions of R.C. 126.07;

d. The parties shall undertake to determine the scope of the clean-up of the open-air impoundments and concrete skimmer tank, including an estimate to be provided by the Department of Natural Resources of the amount of material that will have to be removed from the site for disposal;

e. Gasoil, Inc. shall obtain estimates from approved disposal sites for the cost of disposal;

f. Gasoil, Inc. shall pay up to Ten Thousand Dollars (\$10,000.00) in fees charged at the site of disposal. If these monies are not fully exhausted for the indicated purpose, they shall be expended for site cleanup as the Division directs.

g. Those wells identified in Schedule A, attached hereto and fully incorporated herein by reference, which provide oil or gas for domestic purposes, have always been and shall continue to be operable, regardless of the status of the clean-up of the Remelius facility. All other wells identified in Schedule A may be operated, contingent upon ongoing performance of promises made by Gasoil herein, and while grading and other rehabilitation of the site, to the satisfaction of the Department of Natural Resources, is underway;

h. Gasoil, Inc. shall accept contribution from third parties for the purpose of achieving clean-up and fully expend same, without cost or set-off, in furtherance of the parties' objectives. This shall be subject to monitoring by the State and the Court.

3. Any entity may apply at anytime to the Division of Oil and Gas for transfer of a permit to bring oilfield waste on-site and operate the Remelius injection well pursuant to R.C. Chapter 1509. No off-site waste shall be brought to the site without written authorization from the Chief of the Division of Oil and Gas.

4. At such time as the State notifies the Court that the Division of Oil and Gas is satisfied that the open-air surface impoundments have been rendered incapable of accumulating or retaining fluids, then this case is dismissed without prejudice.

5. GMI shall file with the Court of Appeals a Motion for Stay of its Appeal within ten (10) days of the filing of the Consent Order.

It is so ORDERED.

Costs to Defendants.

Alfred W. Mackey

 THE HONORABLE ALFRED W. MACKAY
 Judge, Ashtabula County Court
 of Common Pleas *AO-PJ*

APPROVALS:

Jack Bettio - PRES

 GASOIL, INC.

David Emanuel

 GROUP MAINTENANCE, INC.
 An Intervenor Party as
 granted on December 13, 1988
 in Case No. 81607

James Lemieux

 JAMES LEMIEUX, Esq.
 Counsel for Group Maintenance,
 Inc. and Gasoil, Inc.

 SCOTT E. FARKAS
 Assistant Attorney General
 Environmental Enforcement Section
 Division of Oil and Gas

PTV	CITY	TOWNSHIP	PERMIT	WELL	LEASE NAME	SE	LOT	TA	ISSUED
406	ASHT	LENOX	218	* 1	HAROLD G & HILDA M SPRINGER		24	NW	101569
406	ASHT	LENOX	222	* 1	MARY HAMILTON		13	NW	111269
406	ASHT	LENOX	225	* 1	JOE & ANNE TRENCHAN		22	NW	120269
406	ASHT	LENOX	226	* 1	HAROLD G. IDA. & ANFIE CARTER		P	NW	120269
406	ASHT	LENOX	229	* 1	WILLIAM JR & HELEN M HAMPER		1	NW	120569
406	ASHT	LENOX	231	* 1	DONALD D & DEBORAH M DIETRICH	40		NW	121269
406	ASHT	NEW LYME	241	* 1	ERLAND M. PORT & EDITH A. PORT		21	NW	11570
406	ASHT	LENOX	253	* 1	J. L. THOMP HAMILTON & BEGA G. HAMILTON		27	NW	12770
406	ASHT	LENOX	254	* 1	LATHAN		44	NW	12870
406	ASHT	MORGAN	262	* 1	DIETON * (Rdwy)		110	NW	20670
406	ASHT	AUSTINEBURG	265	* 2	D. E. LONG & SONS, INC.		35	NW	30970
406	ASHT	MORGAN	266	* 5	DONALD DIETRICH		78	CD	81382
406	ASHT	LENOX	273	* 3	JOHN REHELIUS		57	NW	31770
406	ASHT	MORGAN	274	* 1	CLARA DIETRICH, A MINOR		70	NW	32570
406	ASHT	MORGAN	277	* 1	WALTER & FRANCES SUPPLEE		89	CD	30883
406	ASHT	MORGAN	284	* 1	T. & I. RYAN/STON		19	NW	61370
406	ASHT	MORGAN	304	* 2	CLARA DIETRICH		79	NW	52670
406	ASHT	JEFFERSON	305	* 1	M & B PARFAY (NORTHWEST JEFFERSON)	30	F	NW	40170
406	ASHT	MORGAN	306	* 1	J. & J. FRYAN/W & F SUPPLEE		89	CD	102282
406	ASHT	JEFFERSON	307	* 1	I. & I. MERRIN (JEFFERSON NORTHWEST)		24	RN	22671
406	ASHT	JEFFERSON	314	* 1	CLARA REDMOND		10	NW	62573
406	ASHT	LENOX	318	* 1	ANDREW H. & CHERYL S. GAMBOL		47	NW	62370
406	ASHT	NEW LYME	326	* 1	JOHN & DOROTHY LOVDY & OTHERS		76	NW	70970
406	ASHT	JEFFERSON	333	* 2	F & MOODY		8	PA	62573
406	ASHT	MORGAN	347	* 2	THOMAS H. & LOUIS M. ROULSTON		18	RN	52671
406	ASHT	MORGAN	394	* 1	A. & N. SCHOMER		9	NW	11371
406	ASHT	LENOX	439	* 1	J., E., S., R., & D. HAYFORD		77	NW	102971
406	ASHT	LENOX	452	* UNIT #1	IRENE VAN DEVENDER &		77	NW	121771
406	ASHT	MORGAN	2353	* 3	MENDELL & ELEANOR FERGUSON		70	NW	93083
406	ASHT	LENOX	2536	* 2	TARGET STABLES, INC.		60	NW	121583
406	PORT	WINTHAM	1807	* 1	M & N WILSON, A & R HALL		91	RN	111480
406	ASHT	MORGAN	428	* 1	KENNEDY-SMITH-MESSON, INC (UNIT		48	NW	92271
406	ASHT	MORGAN	431	* 3	E KENNEDY, SMITH & MESSON, INC		39	RN	130471
406	ASHT	MORGAN	432	* 2	E KENNEDY, SMITH & MESSON, INC		49	RN	100871
406	ASHT	MORGAN	433	* 4	E KENNEDY, SMITH & MESSON, INC		38	NW	101571
406	ASHT	MORGAN	440	* 2	W DZIRUD?		7	NW	110971
406	ASHT	MORGAN	447	* 1	H E CAMP		35	NW	120371
406	ASHT	MORGAN	463	* 1	BOY SCOUTS OF AMERICA		65	NW	10372
406	ASHT	MORGAN	467	* 1	M & R SMITH UNIT		46	NW	12572
406	ASHT	MORGAN	545	* 1	I., I. PORTER		8	NW	41773
406	ASHT	MORGAN	546	* 1	C.C. CHRIST		16	NW	41773
406	ASHT	LENOX	2176	* 1	J.M. & I.M. DENNIS		75	RR	110983
406	ASHT	LENOX	2302	* 1	TARGET STABLES, INC.		60	NW	81083
406	ASHT	MORGAN	2304	* 2	R. N. PRESCOTT		76	NW	81083
406	ASHT	LENOX	2333	* 2	GASOIL, INC.		44	NW	90883
406	ASHT	MORGAN	2538	* 3	R. N. PRESCOTT		44	NW	121583
406	ASHT	NEW LYME	2414	* 1	HERICKA		15	NW	110983



STATION	TOWNSHIP	PERMIT	DEPTH	LEASE NAME	SE	LOT	ISSUED
07	CO ASHT MORGAN	499	1	D. J. ADAMS WEBB & J. & J. KEDZERSKI	134	12783	
08	NU ASHT LENOX	2125	2	W. & H. HAMPER, JR.	1	111582	
09	EN FORT FREEDOM	1790	1	SCHMAN-ADAMS UNIT	22	102282	
10	CO ASHT MORGAN	472	1	WILLOUGHBY INDUSTRIAL PARK	43	30483	
11	NU ASHT MORGAN	2305	2	WENDELL M. & ELEANOR G. FERGUSON	59	81083	
12	NU ASHT LENOX	2306	2	ANTHONY LOVEY	76	81083	
13	LR ASHT MORGAN	2303	6	D. O. DIETRICH	69	81083	
14	RN ASHT LENOX	2129	1	GASOIL INC.	57	90883	
15	FB ASHT MORGAN	308	3	D. O. DIETRICH	79	110283	
16	RR ASHT LENOX	2127	2	IRENE VAN DEVENDER	77	111083	
17	RR ASHT LENOX	2129	2	SHIRLEY & ROBERT HAYFORD	77	111083	
18	NU ASHT MORGAN	2537	4	R.N. PRESCOTT	76	121583	
19	NU ASHT MORGAN	3047	1	G. M. BEAM	99	103084	
20	RN ASHT NEW LYFE	2651	2	R. HERICKA	15	103084	
21	RN ASHT MORGAN	2331	7	D. O. DIETRICH	79	103084	
22	RH ASHT LENOX	2332	1	JONES (PREVIOUSLY HAMILTON)	36	103084	

Records read. 18 Records listed

Revised manual
New Well
Construction
Aerial Location
Revised Aerial Location

224

02826

10/24/98

Surety - History permit no.'s file listing

Operator: LISA

Pages: 1

PERMITTY # CITY PERMIT ISSUED AC MISCOT

B	40% FORT	1161	72277	0
H	40% FORT	1291	120877	0
H	40% FORT	1766	81280	0
B	40% STAR	1918	22381	0

4 Records read.

4 Records listed

02827

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7.14.1989 13125

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