

IN THE COURT OF COMMON PLEAS  
LUCAS COUNTY, OHIO  
LUCAS COUNTY

STATE OF OHIO, ex rel., JUN 22 9:28 AM '87  
ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO Case No. 86-1696

Plaintiff, CLERK OF COURTS JUDGE SKOW

v.

JOSEPH GOODELL, et al.,

Defendants.

Jack A. Van Kley (6637)  
Assistant Attorney General  
Environmental Enforcement  
Section  
30 East Broad Street  
Columbus, Ohio 43266-0410  
(614) 466-2766

Richard F. Michalak  
7088 Security Building  
Toledo, Ohio 43604  
(419) 255-6171 (6030)

CONSENT DECREE

The Complaint in the above-captioned case having been filed herein, and the Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and the Defendants, Joseph Goodell and Gary VanCleeef, having consented to entry of this Consent Decree,

Now, therefore, without trial of any issues of law or fact, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

JURISDICTION

1. This 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.

This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

PARTIES

2. The provisions of this Consent Decree shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest, and those persons in active concert or participation with them who receive actual notice of this Decree whether by personal service or otherwise. Before transferring ownership of the RiverGlen Mobile Home Court and Campground, Defendants shall give a copy of this Consent Decree to the prospective transferee.

SATISFACTION OF LAWSUIT

3. Plaintiff alleges in the Complaint that Defendants have operated a water treatment system in a manner that violates various state regulations designed to ensure safe drinking water. This water treatment system supplies water for drinking and other purposes to the RiverGlen Mobile Home Court and Campground located near the town of Liberty Center in Henry County, Ohio.

4. Compliance with this Consent Decree shall be full satisfaction for the Defendants' liability for the violations alleged in the Complaint.

IMPROVEMENTS TO THE WATER  
TREATMENT SYSTEM

5. In order to ensure the purity of the water supplied to the RiverGlen Mobile Home Court and Campground, the Defendants shall complete the actions and install the improvements described in the following four paragraphs.

6. Within sixty (60) days after entry of this Consent Decree, Defendants shall submit plans for the approval of the Ohio Environmental Protection Agency (Ohio EPA) which meet the requirements of Ohio Administrative Code (OAC) Chapter 3745-91. These plans shall include the improvements described in the following three paragraphs. Should Ohio EPA, after reviewing the plans, request changes and/or additions in the plans, Defendants shall submit these changes and/or additions to Ohio EPA within thirty (30) days after receiving these requests. These plans, as approved by Ohio EPA, must be followed by Defendants when making the installations described in the following three paragraphs.

7. The water treatment system presently obtains its water from Bad Creek through an intake pipe. Within sixty (60) days after Ohio EPA plan approval, Defendants shall complete the installation of an intake pipe from the Maumee River to the water treatment system. This intake pipe shall have a diameter at least as large as the width of the intake pipe currently drawing water from Bad Creek. After installation of the pipe to the Maumee River, all water for the water treatment system shall be drawn from the Maumee River.

8. Within ninety (90) days after Ohio EPA plan approval, Defendants shall have completed the installation of, and thereafter shall operate, a mechanical propeller-type flocculation unit on the flocculator for the water treatment system.

9. Within one year after Ohio EPA plan approval, Defendants shall have completed the installation of, and thereafter shall operate, a rapid rate pressure sand filter in the water treatment system between the high pressure service pump and the pressure tank.

#### WATER TESTING AND REPORTING

10. Defendants are permanently enjoined from violating the requirements of OAC 3745-81-22 and OAC 3745-81-31 (pertaining to analysis and reporting of turbidity), OAC 3745-83-05(A) (monthly operation reports), and OAC 3745-89-02 (analysis by approved laboratories).

#### WATER PURITY

11. Defendants are permanently enjoined from violating OAC 3745-81-13 (limiting turbidity in the water).


#### MISCELLANEOUS

12. Within one year after entry of this Consent Decree, Defendants shall submit to Ohio EPA a contingency plan meeting the requirements of OAC 3745-85-04. Thereafter, the contingency plan shall be maintained at the locations specified in OAC 3745-85-03.

13. Starting sixty (60) days after the entry of this Consent Decree, Defendants shall maintain the high service pumps which are in the basement of the water treatment plant at an elevation at least twelve (12) inches off the floor.


14. 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 Consent Decree.


15. Defendants shall pay court costs.

  
HONORABLE WILLIAM J. SKOW  
JUDGE, COURT OF COMMON PLEAS

7-16-87

APPROVED:

  
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