

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

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FILED
OCT 11 PM 3 16
CASE NO. 89-M-233
BETTY JOHNSON
CLERK OF COURT
JUDGE HANS VEIT
GEAUGA COUNTY

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

Plaintiff,

vs.

ALAN J. GRENNAN MOBILE HOME,
d/b/a Grennan Mobile Home,

Defendant.

CONSENT ORDER

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The State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr., filed a Complaint seeking injunctive relief and civil penalties from Defendant A. L. Grennan 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

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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. which occurred prior to March 8, 1990, whether or not alleged in the Complaint, at his mobile home park located at Woodin and Brown Roads in Hambden Township located in Geauga County, Ohio (hereinafter the "park").

4. This Order does not limit the power of the State of Ohio to seek relief for other claims which are not violations of Chapter 6109., or for future violations of Ohio Revised Code Chapter 6109.

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.

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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 in accordance with O.A.C. Section 3745-81-32.

VII. DISINFECTION

8. 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. 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

9. Defendant is hereby enjoined to maintain a written contingency plan for providing safe drinking water to its

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service area under emergency conditions, as required by OAC 3745-85-02. Defendant is enjoined to maintain copies of the contingency plan as specified in OAC 3745-85-03.

IX. CIVIL PENALTY

10. Defendant shall pay a civil penalty of four thousand nine hundred dollars (\$4,900.00) to the State of Ohio for payment into the General Revenue Fund. Payment shall be made by delivering certified checks or money orders, payable to the "Treasurer of the State of Ohio," to Susan E. Ashbrook, Assistant Attorney General, 25th Floor, 30 E. Broad Street, Columbus, OH 43266-0410 pursuant to the following schedule: Defendant shall pay at least \$600.00 every four months, commencing June 29, 1990 until the entire four thousand nine hundred dollars (\$4,900.00) is paid. No interest shall accrue on the unpaid balance of civil penalty.

X. MISCELLANEOUS

12. Any violation of the terms of this Order 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

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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.

6/11/90
DATE

Don R. Veit
JUDGE VEIT, GEAUGA COUNTY
COURT OF COMMON PLEAS

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

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A. L. Grennan
A. L. GRENNAN
Defendant

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Attorney for Defendant

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TO THE CLERK:
Serve upon all parties not in default for failure to appear (per Civil Rule 5(B)), notice of this