

FILED LUCAS COUNTY

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

OCT 5 10 02 AM '89
CAROL A. PIETRIKOWSKI
CLERK OF COURTS

STATE OF OHIO, ex rel.	:	CASE NO. 88-2282
ANTHONY J. CELEBREZZE, JR.,	:	
	:	JUDGE FRANKS
Plaintiff,	:	
	:	
vs.	:	
	:	
JACK GRAY TRANSPORT, et al.,	:	
	:	
Defendants.	:	

CONSENT DECREE

The Amended 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 Jack Gray Transport and John Gray (hereinafter "Defendants"), having consented to the entry of this Consent Decree;

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

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter herein, pursuant to R.C. Chapter 3734. and the regulations adopted thereunder. The Amended Complaint states a claim upon which relief can be granted against the Defendants under those statutory and regulatory provisions. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

II. PERSONS BOUND BY THE ORDER

2. The provisions of this Consent Decree shall apply to and be binding upon the Defendants, their agents, officers, employees, assigns, and successors in interest. The provisions of this Consent Decree shall also apply to those in active concert or participation with Defendants and receive actual notice of this Consent Decree whether by personal service or otherwise.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Amended Complaint that Defendants violated various sections of Ohio Revised Code Chapter 3734 and the regulations adopted thereunder. In addition to the violations alleged in Plaintiff's Amended Complaint, Plaintiff alleges that the Defendants committed similar violations on July 26, 1988 (documented in State Highway Patrol Report of Investigation No. 161-581 [Field No. 52-5728]), on November 1, 1988 (documented in Public Utilities Commission of Ohio Report No. 148164), and on January 27, 1989 (documented in Public Utilities Commission Report No. 101713). Defendants deny the allegations contained in this paragraph.

4. The parties wish to resolve this action without litigation and have, therefore, agreed to the entry of this Consent Decree without the admission or adjudication of any issue of fact or law.

5. The compliance with the terms of this Consent Decree shall be in full satisfaction for Defendants' liability for all claims arising out of all matters raised in Plaintiff's Amended Complaint, and the additional claims referenced in paragraph three above.

6. Nothing in this Decree shall be construed to limit the authority of the State of Ohio to seek relief for claims not alleged in Paragraph 3 above and not known to the Plaintiff at the time the Amended Complaint was filed.

IV. CIVIL PENALTY

7. Defendants shall pay the State of Ohio a civil penalty in the amount of Fifteen Thousand Dollars (\$15,000.00) within thirty (30) days of the filing of this Decree. These monies shall be deposited in the Hazardous Waste Clean Up account pursuant to R.C. 3734.28. Payment shall be made by tendering a bank cashier's check to Plaintiff's attorney or his or her successor at 30 East Broad Street, 25th Floor, Environmental Enforcement Section, Columbus, Ohio 43266-0410. Said check shall be made payable to the "Treasurer, of the State of Ohio". It is further understood and agreed by all parties that the above-described payment is a compromise and release of disputed claims and that said payment and execution is not to be construed and will not be construed as an admission or concession by the defendants of liability to the plaintiff.

V. INJUNCTION

8. Defendants shall safely transport all hazardous waste shipments that are transported in and through the State of Ohio. Defendants shall not discharge hazardous waste, except at a hazardous waste facility permitted under R.C. Chapter 3734. In the event Defendants discharge hazardous waste in the State of Ohio, other than at a permitted hazardous waste facility, the Defendants shall take immediate action to protect human health and the environment, including but not limited to, immediately notifying the Ohio EPA's Office of Emergency Response at 1-800-282-9378.

9. Defendants shall not transport hazardous waste in or through the State of Ohio without first, (a) properly installing a liner in the transport vehicles that travel in or through the State of Ohio, (b) sealing any and all gates of the transport vehicles, or (c) implementing any other method which will prevent discharge of hazardous waste from the transport vehicles.

10. Defendants shall not transport hazardous waste in or through the State of Ohio without placing and securing a cover, including, without limitation, a tarp, over the top of the transport vehicle so that the hazardous being transported is completely covered.

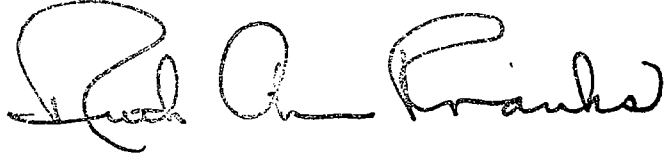
11. Defendants shall not transport hazardous waste in or through the State of Ohio without at least having secondary locking devices in place and sufficiently tightened to prevent leakage from the gates of the transport vehicles.

12. The Defendants hereby agree not to violate any of the requirements of Ohio Revised Code Chapter 3734 and the regulations adopted thereunder.

13. This Court shall retain jurisdiction of this matter for the purpose of making any order or decree which it deems necessary to carry out this Consent Decree.

14. All court costs of this action shall be assessed against the Defendants.

15. Nothing in this Consent Decree shall prevent the State of Ohio from taking any legal action against the Defendants for violations of this Consent Decree or R.C. Chapter 3734. including, but not limited to, actions taken by Defendants pursuant to paragraph 9 of this Consent Decree.



JUDGE FRANKS, COURT OF COMMON
PLEAS, LUCAS COUNTY

C
APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

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JOHN GRAY and
JACK GRAY TRANSPORT

By: *John Gray*
JOHN GRAY, Individually and
as President of Jack Gray Transport

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