

FILED
COMMON PLEAS COURT
MUSKINGUM CO., OHIO
1986 APR 25 PM 3:51
JOSEPH HILDEBRAND
CLERK

IN THE COURT OF COMMON PLEAS
MUSKINGUM COUNTY, OHIO

STATE OF OHIO, ex rel. : CASE NO. 84-216
ANTHONY J. CELEBREZZE, JR. :
ATTORNEY GENERAL OF OHIO :
 :
Plaintiff, :
 :
vs. :
 :
DAVID KING, et al., :
 :
Defendants. :

CONSENT ORDER

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, David King (hereinafter "King") and Muskingum Landfill, Inc. (hereinafter "Muskingum"), having consented to entry of this Order.

NOW, THEREFORE, without trial of any issue of fact or law, and upon consent of the parties hereto, 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 3734 of the Ohio Revised Code. The Complaint states a claim upon which relief can be granted against King and Muskingum under these statutes. This Court has 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, officers, employees, assigns and successors in interest.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that King and Muskingum have operated, and then have failed to properly close the sanitary landfill on County Road 6, Brush Creek Township, Muskingum County, Ohio (which realty was previously know as "Riverside Landfill" and is now known as "Muskingum Landfill II") in violation of various state waste disposal laws. King and Muskingum neither admit nor deny these allegations. Compliance with the terms of this Order shall constitute full satisfaction of any civil liability by King, Muskingum and their employees to the State of Ohio for all claims under such laws known to Plaintiff at this time. All such claims known to the State of Ohio have been alleged in the Complaint.

4. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint or addressed by this Consent Decree.

IV. CIVIL PENALTY

5. Defendants shall pay five thousand dollars (\$5,000) as a civil penalty to the State of Ohio. Of this amount, one thousand five hundred dollars (\$1,500) shall be paid ten days after entry of this Order. Payment shall be made by delivery to counsel for Plaintiff, or his successor, a certified check in such amount

made to the order of "Treasurer of the State of Ohio", for payment into the Hazardous Waste Cleanup Special Account created by Ohio Revised Code Section 3734.28.

6. The remaining three thousand five hundred dollars (\$3,500) penalty shall be reduced in whole for the extra earth grading done at OEPA's request by Defendants in closing Muskingum Landfill II.

V. INJUNCTIVE RELIEF

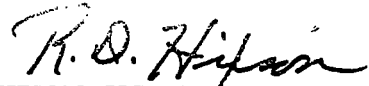
7. It is further Ordered that the Defendants are permanently enjoined from violating any provisions of the solid waste laws of the State of Ohio.

VI. MISCELLANEOUS

8. Nothing in this Order shall release Defendants of their obligation to comply with applicable state or local statutes, regulations or ordinances.

9. The Court shall retain jurisdiction of this matter for the purpose of making any order or decree which it may deem at any time appropriate to carry out this Consent Order.

10. Defendants shall pay the costs of this action.



JUDGE, COURT OF COMMON PLEAS

APPROVED:

STATE OF OHIO

BY: 

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