

IN THE COURT OF COMMON PLEAS
MEIGS COUNTY, OHIO



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

CASE NO. 86-CV-172

Plaintiff,

v.

CHARLES LEIST, et al.

Defendants.



JUDGE

CONSENT ORDER

The complaint having been filed on June 20, 1986 under Chapter 1509 of the Ohio Revised Code; and Plaintiff, State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and the Defendants Charles and Marilyn Leist having consented to this decree without trial of any issue of fact or law arising from the complaint,

NOW, THEREFORE, upon the pleadings, and upon consent of the above-stated parties, it is ORDERED, ADJUDGED, AND DECREED as follows:

I

This Court has jurisdiction over the parties consenting to this decree, and over the subject matter of the action. The Complaint states a claim upon which relief may be granted under Chapter 1509 of the Ohio Revised Code.

II

This Court Judgment applies to Defendants Charles Leist and Marilyn Leist, their subsidiaries, agents, employees, and successors, and to all persons, firms, corporations, and other

entities having notice of this Judgment and acting in privity with Defendants Charles and Marilyn Leist.

III

Defendants Charles and Marilyn Leist are permanently enjoined from the violation of Section 1509.072 of the Ohio Revised Code and the rules thereunder, and are required, where necessary to bind the soil and prevent substantial erosion and sedimentation, to grade or terrace, and plant, seed, or sod the disturbed area around the Leist No. 2 well that is not required in production of the well. Defendants are specifically required:

- 1) to establish vegetation in affected areas around the Leist No. 1 and No. 2 wells as determined by the Chief of the Division of Oil and Gas;
- 2) to remove stone and oil from around the storage tank at the Leist No. 2 well and to restore the affected area around the storage tank in a manner approved by the Chief of the Division of Oil and Gas; and
- 3) to remove the gravel around the pump house of the Leist No. 2 well and replace with new gravel.

Defendants Charles and Marilyn Leist shall attempt to establish vegetation immediately. If no vegetation is established by the initial reseeding of the affected areas, Defendants shall reseed again by October 31, 1986.

All restoration shall be completed and vegetation established by May 15, 1987.

All above-mentioned clean-up operations are subject to the approval of the Chief of the Division of Oil and Gas.

IV

Defendants Charles and Marilyn Leist are permanently enjoined from violating Section 1509.22 of the Ohio Revised Code and the rules thereunder, and are required to refrain from placing brine in surface or ground water or in or on the land in such quantities or in such manner as actually causes or could reasonably be anticipated to cause damage or injury to public health or safety or the environment.

V

Defendants Charles and Marilyn Leist are permanently enjoined from the violation of Suspension Order No. 85-13.

VI

Defendants Charles and Marilyn Leist shall not conduct saltwater injection or annular disposal operations until:

- 1) all above clean-up operations have been approved by the Chief of the Division of Oil and Gas; and
- 2) Defendants have obtained the necessary permits to engage in saltwater disposal operations at the Leist No. 2 well.

If restoration has not been approved by the Chief of the Division of Oil and Gas by May 15, 1987, then the Leist No. 2 well, Permit No. 2776, shall be plugged.

VII

Defendants Charles and Marilyn Leist shall repair or replace the leaking valve on the storage tank at the Leist No. 2 wellsite.

Such valve shall be repaired or replaced by October 15, 1986.

VIII

Defendants Charles and Marilyn Leist shall properly identify the Leist No. 1 and No. 2 wellsites, pursuant to O.A.C. Rule 1501:9-05(10). Proper identification shall be in place by October 15, 1986.

IX

The Court hereby ORDERS that Defendants Charles and Marilyn Leist pay a civil penalty in the amount of Five Thousand Dollars (\$5,000.00). Payment shall be made by delivering to the Fiscal Section, Division of Oil and Gas, Fountain Square, Building A, Columbus, Ohio 43224 a certified check in the amount of Five Thousand Dollars by October 15, 1986. The certified check shall be made to the order of "Treasurer, State of Ohio".

X

This Court retains jurisdiction over this action for the purpose of making any order or decree it may deem necessary to carry out this Consent Judgment.

Defendants Charles and Marilyn Leist shall pay all court costs.

DATE: 9/30/86

[Signature]
JUDGE, COURT OF COMMON PLEAS

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

BY: Karlin R. Dunlop
KARLIN R. DUNLOP
Assistant Attorney General
Environmental Enforcement Section
Division of Oil and Gas
Building A, Fountain Square
Columbus, Ohio 43224

Attorney for Plaintiff

Chad Leist
[Signature]
CHARLES LEIST
MARILYN LEIST
19104 Annapolis Way
Gaithersburg, Maryland 20861

9/9/86

Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served by regular U.S. mail, postage prepaid, this 28th day of September 1986, to:

Mr. and Mrs. Charles Leist
IBM - FSD
685 Citadel Drive East
Suite 400
Colorado Springs, Colorado 80909

Karlin R. Dunlop
KARLIN R. DUNLOP
Assistant Attorney General
Environmental Enforcement Section
Division of Oil and Gas
Bldg. A, Fountain Square
Columbus, Ohio 43224