

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

FILED LUCAS COUNTY

JUL 25 3 52 PM '94

STATE OF OHIO, ex rel.
LEE FISHER
ATTORNEY GENERAL OF OHIO,
Environmental Enforcement Section
30 E. Broad St., 25th Floor
Columbus, Ohio 43266-1410,

CASE NO. 94-1545

JUDGE BATES COMMON PLEAS COURT
HARRY CARLOS
CLERK OF COURTS

Plaintiff,

v.

WILLIAM LOWE
7360 Nightengale
Holland, Ohio 43612,

Defendant.

CONSENT ORDER AND FINAL JUDGMENT ENTRY

Plaintiff, State of Ohio, ex rel. Lee Fisher, Attorney General of Ohio, having filed the Complaint in this action against Defendant William Lowe to enforce Ohio's hazardous waste laws set forth in Chapter 3734 of the Revised Code and the rules adopted thereunder; and Plaintiff and Defendant having consented to the entry of this Order;

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

I. JURISDICTION AND VENUE

The Court has jurisdiction over the subject matter of this action, pursuant to R.C. Chapter 3734 and the rules adopted thereunder. This Court has jurisdiction over the parties. Venue is proper in this Court. The Complaint states a claim upon which relief can be granted.

II. SATISFACTION OF LAWSUIT

A. Except as otherwise provided in this Consent Order, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant to Plaintiff for all claims alleged in the Complaint.

B. Nothing in this Consent Order, including the imposition of stipulated civil penalties, shall limit the authority of the State of Ohio to:

- (a) Seek relief for claims or conditions not alleged in the Complaint;
- (b) Seek relief for claims or conditions alleged in the Complaint which occur after the entry of this Consent Order;
- (c) Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order;
- (d) Bring any action against Defendant or against any other person, under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9601, et seq. and/or Ohio Revised Code Sections 3734.20 through 3734.27 to: (1) recover natural resource damages, and/or (2) to order the performance of, and/or recover costs for any removal, remedial or corrective activities not conducted pursuant to the terms of this Consent Order.

VIII. CIVIL PENALTY

Defendant is ordered and enjoined to pay to the State of Ohio a civil penalty in the amount of Thirty-Five Thousand Eight Hundred and Eighteen Dollars (\$35,818.00). This amount shall be paid in equal monthly installments of Two Hundred Dollars (\$200.00), paid on or before the 15th day of each month commencing July, 1994, until paid in full. Notwithstanding the provisions of this Article VIII, if Defendant pays to the State of Ohio the total sum of Twenty-Five Thousand Dollars on or before July 15, 1999, said payment shall constitute complete satisfaction of the obligations of this Article VIII and Defendant shall have no further obligations to make any payment hereunder. All payments pursuant to this Article VIII shall be made by delivering to the Administrative Assistant, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a certified check payable to the order of "Treasurer, State of Ohio." All payments pursuant to this Article VIII shall be deposited into the hazardous waste clean-up fund created by O.R.C. Section 3734.28.

XIII. RETENTION OF JURISDICTION

This Court will retain jurisdiction of this action for the purpose of enforcing this Consent

Order.

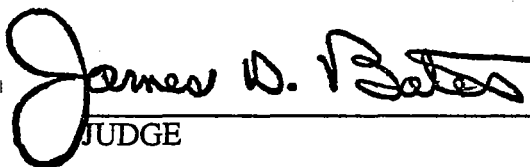
XIV. COSTS

Defendant is hereby ordered to pay the court costs of this action.

XV. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

IT IS SO ORDERED.

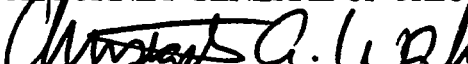


JUDGE

DATE

APPROVED:

LEE FISHER
ATTORNEY GENERAL OF OHIO



Christopher A. Walker (0040696)

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William Lowe, Defendant

Attorneys for Plaintiff
State of Ohio