

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO, ex rel. : CASE NO. 82 CV 68
ATTORNEY J. CELEBREZZE, JR. :
ATTORNEY GENERAL OF OHIO, :
Plaintiff, : **JUDGE MITCHELL F. SHAKER**
vs. : **COURT ROOM 82**
RAY PANDER TRUCKING, INC. :
et al, : CONSENT JUDGMENT GRANTING
Defendants. : INJUNCTIVE RELIEF AND
: CIVIL PENALTIES

This action was brought by the State of Ohio against inter alia, defendant Atlas Energy Group, Inc., to enforce the state water pollution statutes, under Sections 6111.04, 6111.07 and 6111.09 of the Ohio Revised Code. The plaintiff and defendant Atlas Energy Group, Inc. have consented to the entry of this Consent Judgment.

NOW THEREFORE, before the taking of any testimony and upon the pleadings, it is Ordered, Adjudged and Decreed as follows:

I.

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The Complaint states a claim upon which relief can be granted against Defendant Atlas Energy Group, Inc. under Sections 6111.07 and 6111.09 of the Ohio Revised Code.

II.

The provisions of the Consent Judgment shall apply to and be binding upon Atlas Energy Group, Inc., its officers, directors, agents, servants, employees, successors and assigns.

In addition, the provisions of this Consent Judgment shall apply to all persons, corporations, and other entities having notice of this Consent Judgment, who are or will be acting in concert and privity with Defendant Atlas Energy Group, Inc., or its officers, directors, agents, servants, employees and assigns.

III.

This Consent Judgment is intended to settle all matters in controversy between the Plaintiff and Atlas Energy Group, Inc. with regard to all incidents of pollution now known to the State, including but not limited to those incidents of pollution specifically alleged in Plaintiff's Amended Complaint and Plaintiff's definite statement filed on May 6, 1982. The State does not, by agreeing to this Consent Judgment, waive any right to pursue prosecution of any cause of action it may now have, but which is unknown or unrecognized or that may in the future accrue against Defendant, Atlas Energy Group, Inc. Further, the State by agreeing to this Consent Judgment does not waive, discharge, release or in any way affect any right, demand, claim or cause of action which the State has, or may have, against any party other than Atlas Energy Group, Inc. with respect to the incidents and activities alleged in the Amended Complaint and specifically identified in Plaintiff's Definite Statement and the State expressly reserves for further prosecution all rights, demands, claims and causes of action which it has, or may have against any such other party.

IV.

Without admitting any of the violations alleged in the Complaint, Defendant Atlas Energy Group, Inc. agrees and the Court hereby orders that Defendant Atlas Energy Group, Inc., pursuant to Revised Code 6111.07, is enjoined and di-

rected to cease, desist, and refrain from committing violations of Section 6111.04 which states in part as follows:

No person shall cause pollution or place or cause to be placed any sewage, industrial waste, or other wastes in a location where they cause pollution of any waters of the state, and any such action is hereby declared to be a public nuisance except in such cases where the Director of Environmental Protection has issued a valid and unexpired permit or renewal thereof, as provided in Sections 6111.01 to 6111.08 of the Revised Code, or any application for renewal is pending.

It is understood that this order does not prohibit the application of industrial wastes or other wastes, specifically salt water, to unpaved roads as long as no violation of Chapter 6111 and/or 1509 of the Revised Code results from such conduct.

V.

It is further ordered that no later than thirty (30) days after entry of this Consent Judgment, Defendant Atlas Energy Group, Inc. shall purchase, on behalf of the Ohio Environmental Protection Agency, certain drilling equipment and accessories, as described in the Quotation from Thickstun Bros. Equipment Co. attached hereto, at a total cost of Twenty-four Thousand One Hundred Seventeen Dollars and Fifty-five Cents (\$24,117.55). It is further ordered that the Defendant shall pay a civil penalty, pursuant to Ohio Revised Code 6111.09, in the amount of Eight Hundred Eighty-two Dollars and Forty-five Cents (\$882.45) to the Treasurer of the State of Ohio within ten (10) days after the recording of record of approval of this Consent Judgment.

VI.

It is further ordered that Defendant Atlas Energy Group, Inc. shall pay a civil penalty of Twenty Thousand

Dollars (\$20,000.00) under §6111.09 ORC. Such civil penalty is hereby suspended, pending completion of the drilling or construction and operation of the injection well as set forth in paragraph VII below. In the event that Defendant fails to construct and operate an injection well as specified in paragraph VII the civil penalty of Twenty Thousand Dollars (\$20,000.00) will be reinstated upon the motion of Plaintiff, and Defendant shall pay into the State Treasury a civil penalty of Twenty Thousand Dollars (\$20,000.00) pursuant to R.C. Section 6111.09. If and when Defendant does construct an injection well as specified in paragraph VII within one (1) year of the entry of this Judgment, and upon receipt of written notification by Ohio EPA as prescribed in paragraph VII, Defendant's obligation to pay the civil penalty of Twenty Thousand Dollars (\$20,000.00) described herein shall terminate.

VII.

It is further ordered that Defendant shall drill and/or construct, within one (1) year of the entry of this Consent Judgment, an injection well for the disposal of some or all of the brine and other wastes generated by Defendant in the course of its oil - and gas - drilling operations. Such well shall be constructed and operated at Defendant's expense, within the State of Ohio in compliance with all applicable state and federal laws and regulations, including, but not limited to, R.C. Chapters 1509 and 6111 and O.A.C. 1501: 9-3-06 and 9-3-07. Construction of such well shall be completed within one (1) year of the entry of this Consent Judgment. Upon completing construction of said injection well, Defendant shall so notify the Ohio EPA in writing within seven (7) days. By such notification Defendant shall certify that the injection well has been completely constructed in compliance with all applica-

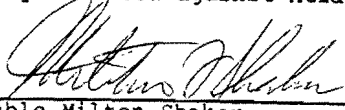
ble laws and regulations. Provided, however, that the Plaintiff State of Ohio may, in a written report to this Court, disagree with Defendant's certification and either party may submit this matter to this Court for resolution.

VIII.

The Court retains jurisdiction of this case as to Defendant Atlas Energy Group, Inc. for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Judgment.

IX.

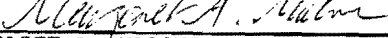
The costs of this action associated with Defendant Atlas Energy Group, Inc. are hereby assessed against Atlas Energy Group, Inc.



Honorable Milton Shaker
Judge, Court of Common Pleas

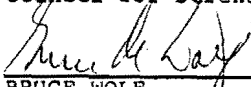
APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

JUDGE MITCHELL F. SHAKER
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IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO, ex rel.	:	
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. 82-CV-68
	:	Judge Mitchell F. Shaker
RAY PANDER TRUCKING, INC.	:	
et al.	:	
	:	
Defendants.	:	<u>AMENDMENT OF CONSENT JUDGMENT</u>

The Plaintiff State of Ohio and Defendant Atlas Energy Group, Inc., having consented to the entry of a Consent Judgment between them, which was filed in the above-captioned matter on December 21, 1983, hereby consent to amend the Consent Judgment as provided below, it is hereby ORDERED, ADJUDGED AND DECREED that the Consent Judgment is amended as follows:

1. Paragraph VII is amended to identify the existing paragraph in its entirety as subparagraph "(a)";
2. A new subparagraph "(b)" is inserted in Paragraph VII, after subparagraph (a), to read as follows:
 - (b) With respect to the order to Defendant pursuant to Paragraph VII of the Consent Judgment in Case No 82 CV 68, the Defendant, in the alternative, shall drill and/or construct, within one (1) year of the entry of the original Consent Judgment, filed in this case on December 21, 1983, a well for the purposes of enhanced recovery. Such well shall be constructed and operated at Defendant's expense, within the State of Ohio in compliance with all applicable state and federal laws and regulations, including, but not limited to R.C. Chapters 1509 and 6111 and O.A.C. 1501:9-5-05 and 9-5-09. Construction of such well shall be completed

within one(1) year of the entry of the Consent Judgment. Upon completing construction of said enhanced recovery project, Defendant shall so notify the Ohio EPA in writing within seven (7) days. By such notification Defendant shall certify that the enhanced recovery project has been completely constructed in compliance with all applicable state and federal laws and regulations. Provided, however, that Plaintiff State of Ohio may, in a written report to this Court, disagree with Defendant's certification and either party may submit this matter to this Court for resolution. Should Defendant construct a well for the purposes of enhanced recovery as specified in this paragraph within one (1) year of the entry of the Judgment, and upon receipt of written notification by Ohio EPA as prescribed in Paragraph VII, Defendant's obligation to pay the civil penalty of Twenty Thousand Dollars (\$20,999.00) as described in Paragraph VI of the Consent Judgment shall terminate. Should the well, constructed for the purposes of enhanced recovery, ultimately fail to improve the production of other wells owned or operated by the Defendant in the immediate vicinity of the enhanced recovery project well, the Defendant shall to the extent permitted under then applicable state and federal laws and regulations, continue to utilize said well for the disposal of some or all of the brine and other wastes generated by Defendant in the course of its oil and gas drilling operations.

APPROVED:

HONORABLE MILTON F. SHAKER
JUDGE, COURT OF COMMON PLEAS

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