

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

STATE OF OHIO, ex rel.  
LEE FISHER  
ATTORNEY GENERAL OF OHIO  
30 East Broad Street  
Columbus, OH 43266-0410

Plaintiff,

vs.

PARAGON SALONS, INC.  
c/o Steven E. Celek  
Statutory Agent  
7811 Buffalo Ridge Road  
Cleves, Ohio 45002

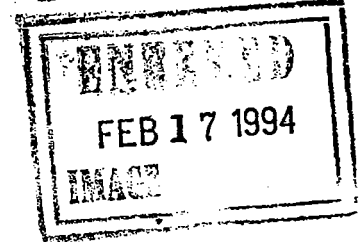
Defendant.

CASE NO.

A9400744

JUDGE

CONSENT ORDER



The Complaint in the above captioned matter having been filed herein by the Plaintiff State of Ohio by its Attorney General Lee Fisher (hereinafter "Plaintiff") against Defendant Paragon Salons, Inc. (hereinafter "Defendant" or "Paragon") for violations of Chapter 6111 of the Ohio Revised Code at Defendant's Facility at 6775 Harrison Avenue, Cincinnati, Ohio (hereinafter "Facility"), and the parties having consented to the 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 parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against

Defendant under Chapter 6111 of the Ohio Revised Code, and venue is proper in this Court.

## II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them. Defendant Paragon shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein, and each general contractor shall provide a copy of this Consent Order to each of its subcontractors for such work.

## III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all claims alleged in the Complaint arising under Chapter 6111 of the Ohio Revised Code and the rules and regulations adopted under that Chapter. 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, including violations which occur after the filing of the Complaint.

## IV. COMPLIANCE SCHEDULE

4. Defendant Paragon is hereby enjoined and ordered to immediately comply with the requirements of Chapter 6111 of the Ohio Revised Code and the terms and conditions of the rules and regulations adopted under that Chapter.

5. Defendant Paragon is enjoined and ordered to submit to Ohio EPA, by March 1, 1994, an application for a permit to install a holding tank or equivalent

device, with appropriate safety devices to prevent overflow, and shall include:

- a. A description of arrangements made by the defendant to haul wastewater for treatment and disposal.
- b. A copy of the contract for the hauling of the wastewater.
- c. The name and address of the facility to which the wastewater will be hauled by the contractor and a written commitment by that facility to accept the waste.

6. Defendant Paragon is enjoined and ordered to comply with all requirements imposed by Ohio EPA as a condition or term for issuance of the permit to install.

7. Defendant Paragon is enjoined and ordered to initiate, by May 1, 1994, construction of the holding tank or equivalent device, in accordance with the permit to install issued by the Ohio EPA.

8. Defendant Paragon is enjoined and ordered to complete, by June 1, 1994, construction of the holding tank or equivalent device in accordance with the permit to install issued by the Ohio EPA, and thereafter to operate the holding tank or equivalent device in accordance with the permit to install issued by the Ohio EPA and all terms and conditions thereto.

9. Defendant Paragon is ordered and enjoined to immediately cease all discharges of sewage, industrial waste, or other waste into waters of the state.

10. Defendant Paragon is ordered and enjoined to connect its Facility to a sanitary sewer system when such system becomes available for connection.

V. CIVIL PENALTY

11. Defendant Paragon is ordered and enjoined pursuant to Section 6111.09, to pay to the State of Ohio, a civil penalty of \$6,000.00 (Six Thousand Dollars). The penalty shall be paid by delivering to Lyndia Jennings or her successor, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410, by certified or cashier's check payable to the order of "Treasurer State of Ohio" within forty-five days of entry of this Consent Order.

VI. STIPULATED PENALTIES

12. In the event that Defendant Paragon fails to meet any of the requirements of this Consent Order it shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule:

a. For each day of failure to meet a requirement, up to thirty (30) days - \$50.00 per day for each requirement not met.

b. For each day of failure to meet a requirement from thirty-one (31) to sixty days (60) - \$100.00 per day for each requirement not met.

c. For each day of failure to meet a requirement, from sixty-one (61) to ninety (90) days - \$150.00 per day for each requirement not met.

d. For each day of failure to meet a requirement, over ninety days (90) - \$200.00 per day for each requirement not met.

13. Any payment required to be made under the provisions of Paragraph 12 of this Order shall be made by delivering a certified or cashier's check or checks

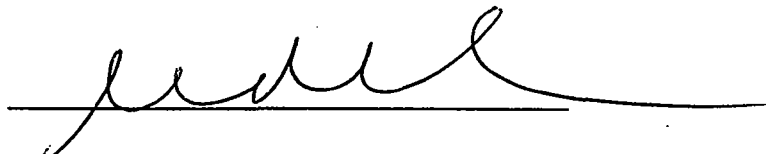
for the appropriate amounts, to Lyndia Jennings, or her successor, Environmental Enforcement Section, 30 East Board Street, 25th Floor, Columbus, Ohio 43266-0410, a certified or cashier's check or checks for the appropriate amounts, within thirty (30) days from the date of the failure to meet the requirement of the Consent Order, made payable to "Treasurer, State of Ohio".

**VII. RETENTION OF JURISDICTION**

14. The Court will retain jurisdiction of this action for the purpose of making any order or decree which it deems appropriate to carry out this Consent Order.

**VIII. COSTS**

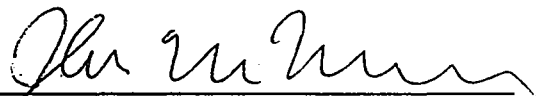
15. Defendant Paragon is hereby ordered to pay the costs of this action.


  
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JUDGE, COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

APPROVED:

STATE OF OHIO, ex rel.  
LEE FISHER  
ATTORNEY GENERAL OF OHIO

PARAGON SALONS, INC.

BY:   
\_\_\_\_\_  
JOHN K. MCMANUS  
Assistant Attorney General  
Environmental Enforcement  
Section  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43266-0410  
(614) 466-2766

BY:   
\_\_\_\_\_  
STEVEN E. CELEK,  
Treasurer,  
Paragon Salons, Inc.  
7811 Buffalo Ridge Road  
Cleves, Ohio 45002