

FILED  
1981 APR 15 AM 9:01  
JOSEPH W. BROWN  
CLERK

IN THE COMMON PLEAS COURT OF MUSKINGUM COUNTY, OHIO.

STATE OF OHIO, ex rel.	*	
WILLIAM J. BROWN	*	
Attorney General of Ohio,	*	
		Plaintiff, *
		CASE NO. 80-1006
-vs-	*	
FRED POLK	*	<u>CONSENT JUDGMENT</u>
dba Polk Scrap Iron	*	
and Metal Company,	*	
		Defendant. *

The Complaint having been filed herein on October 29, 1980, and the Plaintiff and the Defendant by their respective attorneys having 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 the Defendant.

II.

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees, successors and assigns. In addition, the provisions of this Consent Judgment shall apply to all persons, firms, corporation, and other entities having notice of this Consent Judgment and who are, or will be, acting in concert and privity with the Defendant to this action or his officers, directors, agents, servants, employees, and successors. Prior to transfer or sale of the facility or operation in question, Defendant shall disclose to, and give notice of this Consent Judgment to, the acquiring person or entity.

III.

Defendant has, in the operation of his scrap metal facility

located at 1900 West Main Street, Zanesville, Ohio, possibly violated §3745.05(A) and (G) of the Revised Code by his alleged failure to comply with O.A.C. 3745-19-03.

IV.

Defendant agrees, and is hereby enjoined, to operate the scrap metal facility, referred to in Paragraph III above, in compliance with the requirements of O.A.C. 3745-19-03.

V.

Defendant agrees, and is hereby enjoined, to undertake the following measures in order to aid Defendant in operating the facility in compliance with O.A.C. 3745-19-03:

- (a) The Defendant shall continue to maintain on the facility's premises the pool of water which is currently being utilized to extinguish fires occurring during the course of Defendant's operation. This pool shall be maintained in such a manner that at all times the water level is not less than three (3) feet deep. During operating hours the level of water in the pool shall be maintained between three (3) and four (4) feet. Said pool shall be maintained so that water from the pool does not discharge to waters of the state, as defined in Section 6111.01(H) O.R.C.
- (b) The Defendant shall remove the gas tank from cars or other vehicles, without the use of an acetylene torch, prior to commencing any further processing of these vehicles.
- (c) The Defendant shall, prior to commencing utilizing an acetylene torch to remove springs or other material from vehicles, immerse each vehicle in the pool referred to in Paragraph (a) above. If the amount of water present in the pool is not sufficient to fully immerse the vehicle, Defendant

shall flip or turn the vehicle so that all portions of the vehicle have been immersed.

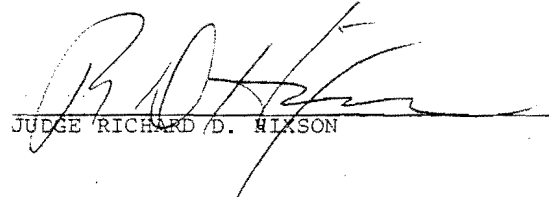
- (d) The Defendant shall, when vehicles are not placed in the shearer immediately subsequent to utilizing an acetylene torch to remove springs or other material from the vehicle, immerse each vehicle in the pool referred to in Paragraph (a) above, prior to stacking or storing said vehicle. If the amount of water present in the pool is not sufficient to fully immerse the vehicle, Defendant shall flip or turn the vehicle so that all portions of the vehicle have been immersed.

VI.

The Court retains jurisdiction of this suit and the Defendant for the purpose of making any order or decree which it may deem at any time necessary to carry out this judgment.


VII.

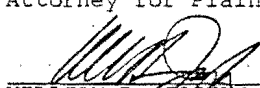
The Defendant shall pay the costs of this action.

  
JUDGE RICHARD D. NIXON

APPROVED:

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